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THE TRIAL OF THOMAS BRIELLAT, FOR SEDITIOUS WORDS.

THE TRIAL OF THOMAS BRIELLAT, FOR SEDITIOUS WORDS, BEFORE *MR. MAINWARING*, AT THE SESSIONS-HOUSE, CLERKENWELL-GREEN, DECEMBER 6, 1793.

TAKEN IN SHORT-HAND BY MR. RAMSAY.

LONDON:
PRINTED FOR THE DEFENDANT, T. BRIELLAT;
H. SIMONDS, Pater-noſter Row; J. RIDGWAY, York-Street, St. James's-Square; and W. RAMSAY, Bell-Yard, Temple-Bar.
1794.

Rec. May 15, 1900.

TRIAL, &c.

The Indictment found in October Seſſion laſt, ſtated

Count 1ſt.

THAT THOMAS BRIELLAT, of the pariſh of St. Leonard, Shoreditch, in the county of Middleſex, pump-maker, being a malicious, ſeditious, and ill diſpoſed perſon, and wickedly and ſeditiouſly deviſing and intending to move and incite the liege ſubjects of our ſaid lord the King to hatred and diſlike of the Conſtitution of the Government of this Realm, and to cauſe the ſaid ſubjects to wiſh for, and to endeavour to procure a ſubverſion of the ſaid Conſtitution, on the 17th day of October, in the thirty-third year of the reign of our ſaid lord the King, at the pariſh aforeſaid, in the county of Middleſex, aforeſaid, in a *certain converſation* which he the ſaid Thomas Briellat, then and there had and held, of, and concerning the Conſtitution of the Government of this Realm, in the preſence and hearing of divers liege ſubjects, of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, the malicious, ſeditious, and inflammatary words following, (that is to ſay) *a Reformation*, (meaning a Reformation in the Government of this Realm) *cannot be effected without a Revolution* (meaning a ſubverſion of the Conſtitution of the Government of this Realm) in contempt of our ſaid lord the King and his laws, to the evil and pernicious ex-

ample of all others in the like caſe offending, and againſt the peace of our ſaid lord the King his crown and dignity.

Count 2d.

That the aforeſaid Thomas Briellat being ſuch perſon as aforeſaid, and wickedly and ſeditiouſly deviſing and intending to move and incite the liege ſubjects of our ſaid lord the King, to hatred and diſlike of our ſaid lord the King and of the regal power and office eſtabliſhed by law within this Realm, and to cauſe the ſaid ſubjects to wiſh for, and to endeavour to procure the abolition of the ſaid power and office, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in a certain converſation, which he the ſaid Thomas Briellatt, then and there, had and held, of and concerning the people of this Realm, and the Conſtitution of the Government thereof, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, the malicious, ſeditious, and inflammatory words following, (that is to ſay) *we* (meaning the people of this Realm) *have no occaſion for kings,* (meaning any kings of this Realm). In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 3d.

That the ſaid Thomas Briellat, ſo being ſuch perſon as aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in a certain converſation, which the ſaid Thomas Briellat, then and there had and held, of and concerning the power and office of a king of this Realm, among others in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully did utter, publiſh, and declare with a loud voice, the malicious, ſeditious, and inflammatory words following, (that is to ſay) *there never will be any good times until all kings* (meaning among others

others the King of this Realm) *are aboliſhed from the face of the earth.* In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 4th.

That the ſaid Thomas Briellatt, ſo being ſuch perſon aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in a certain converſation which he the ſaid Thomas Briellat, then and there, had and held, of and concerning the office and power of a King of this Realm among other things, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, that *there never would be any peace until all the kings* (meaning among others the King of this Realm) *were aboliſhed*, in contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 5th.

That the ſaid Thomas Briellat, ſo being ſuch perſon as aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, the malicious and ſeditious words following, (that is to ſay) *there never will be any peace or good times until all kings* (meaning among others the King of this Realm) *are aboliſhed from the face of the earth.* In contempt, &c. to the eviland pernicious example, &c. and againſt the peace, &c.

Count 6th.

That the ſaid Thomas Briellat ſo being ſuch perſon as aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and ſedi-

tiouſly in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, did utter, publiſh, and declare with a loud voice, that, *there never would be any peace until all kings* (meaning among others the King of of this Realm) *were aboliſhed.* In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 7th.

That the ſaid Thomas Briellat, ſo being ſuch perſon as aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in a certain converſation, which he the ſaid Thomas Briellat, then and there, had and held, of and concerning the power and office of a King of this Realm among others, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly, did utter, publiſh, and declare with a loud voice, the malicious, ſeditious, and inflammatory words following, (that is to ſay) *it is my* (meaning his own the ſaid Thomas Briellat) *wiſh that there were no kings at all* (meaning thereby, and being underſtood to mean, that he the ſaid Thomas Briellat, wiſhed that there was no King of this Realm among others). In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 8th.

That the ſaid Thomas Briellat, ſo being ſuch perſon aforeſaid, and ſo deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, in a certain converſation, which he the ſaid Thomas Briellat, then and there, had and held, of and concerning the power and office of a King of this Realm among others, in the preſence and hearing of divers liege ſubjects of our ſaid lord the king, unlawfully and ſeditiouſly did utter, publiſh,

publiſh, and declare with a loud voice, *that it was the wiſh of him the ſaid* Thomas Briellat, *that there were no kings at all*, (meaning thereby and being underſtood to mean no king of this Realm among others). In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 9th.

That on the ſame day and year aforeſaid, an open and public war was proſecuted and carried on between our ſaid lord the King, and the perſons exerciſing the powers of Government of France; (that is to ſay) at the pariſh aforeſaid, in the county aforeſaid, and that the aforeſaid Thomas Briellat ſo being ſuch perſon aforeſaid, and being greatly diſſaffected to our ſaid lord the King and his Adminiſtration of the Government of this Realm, and wickedly and maliciouſly deviſing and intending to move and incite the liege ſubjects of our ſaid lord the King to hatred and diſlike of our ſaid lord the King and of his Adminiſtration of the Government of this Realm on the ſame day and year aforeſaid, and during the exiſtence of the ſaid war at the pariſh aforeſaid, in the county aforeſaid, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, the malicious, ſeditious, and inflammatory words following, (that is to ſay) *I* (meaning himſelf the ſaid Thomas Briellat) *wiſh the French would land one hundred thouſand men in England to fight againſt the Government Party*. In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 10th.

That the aforeſaid Thomas Briellat, ſo being ſuch perſon as aforeſaid, and deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, and during the exiſtence of the ſaid war at *Hackney* aforeſaid, in the county aforeſaid, in the preſence and hearing

of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, that he the ſaid Thomas Briellat, *wiſhed the French would land in England, to fight againſt the Government Party.* In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Count 11*th.*

That the aforeſaid Thomas Briellat, ſo being ſuch perſon as aforeſaid, and deviſing and intending as laſt aforeſaid, on the ſame day and year aforeſaid, and during the exiſtence of the ſaid war, at the pariſh aforeſaid, in the county aforeſaid, in the preſence and hearing of divers liege ſubjects of our ſaid lord the King, unlawfully and ſeditiouſly did utter, publiſh, and declare with a loud voice, that he the ſaid Thomas Briellat, *wiſhed that the French would land one hundred thouſand men in England.* In contempt, &c. to the evil and pernicious example, &c. and againſt the peace, &c.

Plea NOT GUILTY.

Counſel for the Crown.	*Counſel for the Defendant.*
Mr. Silveſter	Mr. Vaughan
Mr. Baldwin	Mr. Gurney
Solicitors.	*Solicitor.*
Meſſrs. Chamberlayne and White, Lincolns Inn.	Mr. Martin, Richmond Buildings, Soho

Jury.

Thomas Lingham	Stephen Skelton
Francis Sellars	William Cornelius
William Collins	Jarvis Buck
Thomas Alexander	George Sanderſon
James Dukes	John Langfield
Golden Cock	William Dennis

Mr. Silveſter

Mr. *Silveſter.*

Mr. Chairman, May it pleaſe you Sir, and you Gentlemen of the Jury. This is an indictment againſt the Defendant at the Bar for ſpeaking many ſeditious and inflammatory words. You have heard them particularly read to the Priſoner, and a more inflammatory ſet of words could not be got together by the wickedeſt ſubject of this kingdom. It firſt of all ſtates, that he ſaid, *there could be no reformation without a revolution*; that is to ſay, whatever grievances there might be of even ſo ſmall a nature, in the government of this country, it was neceſſary to overturn that Government, and deſtroy the power which exiſts now, under which we ſo happily live, and enjoy the protection of our property, and every thing that is dear to us.

Gentlemen, the next ſet of words are, that, *he wiſhes there were no Kings in this country.* Why Gentlemen, the wiſhing to annihilate any one part of our happy Conſtitution would, in effect deſtroy the whole.

Gentlemen, the next ſet of words are that *he wiſhed that ten thouſand men of our bittereſt enemies would land in this country.* Can there be a worſe ſubject exiſting than the man who could harbour theſe ideas in his breaſt for a ſingle moment? Would not Government, or thoſe perſons employed under the Government to protect our lives and liberties, have neglected their duty if they had not brought ſuch a man forwards, for your diſcuſſion to determine the queſtion, whether he did or did not ſpeak theſe words?

Gentlemen, that is the only queſtion you have to try whether that man at the bar ſpoke any of the words alledged in this Indictment, and what will you ſay Gentlemen, when I tell you that that man is a man of property, is a man in a ſituation of life to have influence in his neighbourhood. The Defendant is a man following the trade of a Pump maker, poſſeſſed of land and houſes, which he enjoys under the protection

of the law. Gentlemen, the words ſpoken were mentioned at a time when there was much fear in this great city, that thoſe perſons who wiſhed to overturn the Government were ripe for an inſurrection. You all know the arts which were made uſe of by wicked and deſigning men publiſhing abominable books, handing about hand bills on purpoſe to excite ſedition every where, that the good citizens were obliged to meet for the purpoſe of aſſociating themſelves together, to reſiſt all levellers, and all perſons who would wiſh to overturn the Government. At that time he went to the houſe of a Mr. Goodman, and there he made uſe of the expreſſions ſtated in this Indictment, the publican was exceedingly offended at it, but he did not at that moment ſtand forward to give evidence to the magiſtrate, becauſe he thought, perhaps, that upon mature reflection, Mr. Breillat would not offend againſt the laws of this country, he wiſhed that the public ſhould not know that in a neghbourhood near Spittalfields, where there are ſo many manufacturers, many of them at this time out of bread, ripe for any thing, and who might get ſomething by confuſion, when they could not get bread by their honeſt labour; he did not mention it till the 24th of laſt month when by the artifice of Mr. Breillat and others, it was publicly ſpread abroad, that a meeting was to be held in his premiſes and field in the Hackney Road, where they boaſted that they would have thouſands of perſons to come, whoſe ſenſe they were to take upon the propriety of a reform and upon the idea of a reformation. The moment Mr. Goodman heard this, his fears were alarmed; he recollected as every one of us muſt recollect, that in the year 1780 a number of men, religious men, aſſociated together called the Proteſtant aſſociation, with good inclinations and good intent; that a mob was got together, and when that hydra headed monſter was aſſembled, it was impoſſible to ſtop its ravages. Your town was laid waſte and your property deſtroyed: it therefore became

the duty of Mr. Goodman to give notice, that it was reported in Spittalfields where there are thouſands of inhabitants, who are of the lower claſs and of the poorer ſort of the people, that they were to meet in the field belonging to the Defendant. Alarmed at this, he went to the magiſtrates and gave information, the magiſtrates active to do their duty and to protect their fellow ſubject, went there with a number of conſtables; when they came there they found a thouſand people, pretty nearly, aſſembled in Mr. Breillat's field, with himſelf there; and by their exertions, their manly exertions, they diſperſed the meeting and no harm was done. The public are obliged to thoſe magiſtrates, a fire might have been kindled in that quarter of the town which might ſpread to us all: God knows what might have been the conſequence; it is eaſy in this country to collect a mob, but it is impoſſible to guide it.

One would have thought that the preſent ſituation of a neighbouring kingdom, where a black catalogue of vices has been committed, where there is not an offence that one can name almoſt but they have committed; rapine, ſacrilege, perjury, murder, in ſhort every offence that in the catalogue of vices your can poſſibly enumerate or ſuggeſt to you mind has been committed by thoſe perſons. What would have been the conſequence, God only knows, had not our fellow citizens aſſembled in this town, animated and ſpirited up by men who had ſome property at ſtake to preſerve that property.

Gentlemen, my caſe is a very ſhort one, and a very plain one; it requires neither art nor ingenuity.

Gentlemen, it does not depend I ſay, upon much argument or ingenuity, it depends upon, whether thoſe words were ſpoken? you will have them proved to you, not by one, but by ſeveral witneſſes, you will have it proved, in the firſt place, that he ſaid a reformation could not be effected without a revolution. You will have it proved, in the next place, that he ſaid that

kings

kings were not neceſſary. And you will have proved, that aggravated part of the charge in the indictment, that there is a man exiſting in this country, wiſhing that all the male part of the Royal Family were deſtroyed, and that the female part were confined. Can you concieve for a moment, ſo horrid a wiſh as that of having any ſet of men to be deſtroyed by the hand of the executioner? An Engliſhman ſhudders at the idea of deſtroying any body. It will be proved to you that thoſe words were ſpoken; that he wiſhed that the bittereſt of our enemies, who have given an example to the world that there is no cruelty but they are capable of, that they would land in this country ten thouſand men.—

Gentlemen, is it poſſible there can be any Engliſhman exiſting who could wiſh that his fellow-ſubjects might fall by the hand of the aſſaſſin, becauſe whatever the event might have been, many of our fellow-ſubjects, many of our relations might have loſt their lives. Therefore, I ſay, if theſe words are proved, you will think not only, that the defendant deſerves puniſhment, but that he deſerves exemplary puniſhment indeed. He has pleaded not guilty, it is therefore neceſſary on my my part to prove the words: when I have done that, what kind of defence can be ſet up for him, or for any other man, under the like circumſtance, I cannot conceive, going as far as ingenuity can go; for he has the aſſiſtance of a very ingenious gentleman. But you are plain men like myſelf, you are to attend to the evidence, and if the facts are proved, it is not all the ingenuity that man is capable of, that can divert your minds from doing that which is right. you will judge upon the evidence, and upon that, pronounce your verdict. The only poſſible defence that can ſuggeſt itſelf to my mind is, that he did not ſpeak the words. I vow to God I ſhould be happy if he could prove it. I ſhould be happy if he could go away from this bar, having proved that, that man does not exiſt in this country, or any other, who could wiſh to ſee his fel-

low-ſubjects

low-ſubjects deſtroyed, the government overturned, and anarchy and confuſion reign through the land; if he does exiſt, he is the ſubject of puniſhment; and if he does not, I am ſure you will be happy as well as myſelf in acquitting that man, and in going forth into the world rejoicing that ſuch a character does not exiſt.

Mr. *Vaughan*. Mr. Chairman, I ſubmit an objection to part of this indictment, which I conceive will not be oppoſed by the Gentlemen on the other ſide; it is a clerical error; but I feel that I am bound to take all thoſe fair advantages on behalf of my client, that preſent themſelves upon the face of the indictment, and I now take that advantage. It is to the two laſt counts. I ſubmit the words ought to be laid with certainty: they are laid in this manner: That the ſaid Thomas Breillat, at Hackney, at the pariſh aforeſaid, in the county aforeſaid, did ſo and ſo. Now, Sir, the place where the reſt of the indictment is laid, is in the pariſh of St. Leonard, Shoreditch; and therefore I conceive it will not be oppoſed by the Gentlemen on the other ſide.

Mr. *Silveſter*. It is not uſual, in this ſtage of the cauſe to make ſuch an objection; but the Gentleman very well knows, in the firſt place, that if any one of the counts is good, it will be ſufficient; and, in the ſecond place, it does appear to be in the county of Middleſex.

Mr. *Vaughan*. The only anſwer that appears to me neceſſary to give to the reply of Mr. Common Serjeant is, that in Croke, 465, which is likewiſe mentioned in Hawkins, there is this obſervation, "It ſeems agreed "by all the books, that the place where the offence "was committed muſt be alledged in ſuch a manner as "is perfectly free from all repugnance and inconſiſt-"ency; for, if one and the ſame offence be laid at two "different places, or at the town of B. aforeſaid, "where no ſuch town was mentioned before," (not where no ſuch county was mentioned before, but where

no,

no ſuch town was mentioned before,) "the indictment is void." That is the paſſage in Hawkins.—Now I will read you the words in Croke, from which it was taken. "It was held by the Judges, upon a motion "in the King's Bench, that becauſe it was laid to be "done in Shoreditch, and Shoreditch not being in the "record, that judgment was tainted."

Mr, *Silveſter*, You muſt move in arreſt of judgment, and at no other time.

Mr. *Vaughan*. I beg leave to ſay that any time is a time for the objection.

Mr. *Gurney*. It is perfectly indifferent to us whether the objection is taken now, or in arreſt of judgment.

Mr. *Vaughan*. We do not care about it, but for the ſake of precedent, I think it is neceſſary the Court ſhould determine it.

EVIDENCE FOR THE CROWN.

William Goodman ſworn.—Examined by *Mr. Silveſter*.

Q. You are, I believe, a victualler?—*A.* Yes.

Q. Do you know Breillat?—*A.* Yes.

Q. What is he?—*A.* A pump-maker.

Q. Where does he live?

A. His houſe is in Holywell-ſtreet, and he has a houſe in Hackney-road. A ſhort time previous to the meeting of the pariſh of St. Leonard, Shoreditch, againſt the Republicans and Levellers, Mr. Breillat came to my houſe at ſeven o'clock in the evening, or between ſeven and eight. After the uſual compliments to the company he ſaid, that he had been robbed of the tree of liberty, which he would not have loſt for two guineas; there was no more to be got, and that it was a valuable piece, and ought to be ſtuck up in all Chriſtian families. The converſation then turned upon how they were to diſpoſe of the King, our King.

Q. Who was Breillat talking to?

A. I believe Mr. Davis was there, and ſix or ſeven other perſons.

Q. Was

Q. Was any thing ſaid before that?

A. Not that I know of; there was ſome gentleman ſaid the King had lived a lazy life a long time; that he thought he ought to work for his living: another perſon ſaid he had not been brought up to work, conſequently he could not work for his living: Breillat, leſs merciful than any of them, ſaid, I would have all the male branches put to death.

Q. Of whom?

A. The Royal Family. The females ſhould have a ſmall allowance, and be confined ſo that they ſhould do no miſchief; the company preſent, part of them, however, expreſſed a great deal of indignation at what Breillat had ſaid, and that is all that I recollect paſſed at that time. I recollect one more circumſtance, that he ſaid to a Mr. Tate of the Borough, that we were fools; he ſaid what what we were about to do was for the good of poſterity.

Mr. *Chairman.* That who were fools?

A. Meaning the people that oppoſed him at the time, that he being an old man might not reap any benefit from it, but his children would if he had any.

Q. What was it that they were to reap benefit from?

A. From an alteration, a revolution.

Q. Do you recollect the very words?

A. I don't recollect.

Q. Try and recollect?

A. From a reduction of taxes.

Q. Mr. *Vaughan.* When was this?

Q. A ſhort time previous to the 12th of December, 1792.

Q. On the 12th you ſaw him again?

A. Yes, he came into my houſe I believe about nine o'clock at night, in company with a Mr. Benſon a tobacconiſt; he then ſaid that a reformation could not be effected without a revolution.

Jury. What time was that?

A. On the 12th of December, 1792; I told him that if he repeated thoſe words, I would take him into cuſtody;

body; he said that it must be so, and it could not be done without it, and that he was a republican, and gloried in being so.

Chairman. What did he say when you told him that if he repeated those words you would take him into custody?

A. He did not repeat the words, but said, it must be so, it could not be otherwise, it could not be done without.

Chairman. And that he was a republican?

A. Yes, and gloried in being so, I told him he was a very bad man, and desired he would never enter my room again.

Chairman. You told him you did not desire to see him in your house again.

A. Yes, he told me he should come whenever he pleased.

Q. Has he ever been in the house since?—*A.* No.

Q. You did not take him up then?—*A.* No.

Q. When was it that you gave the information of this, and upon what account?

A. In consequence of the information I had received on the 22d of October last, I believe two days previous to the meeting in Hackney-road, which was I believe on Thursday.

Q. What meeting do you mean?

A. A meeting of persons to get at the minds of the people, and to reduce the taxes.

Q. Was there a meeting there?

A. Yes, in Hackney-road, in the house of Breillat, and in his field likewise.

Q. That was on the 24th, was it?

A. Yes, on Thursday the 24th.

Q. What number of persons were assembled?

A. There were, to the best of my knowledge, two or three hundred persons, as far as I could judge.

Q. Among them did you see Breillat?

A. Yes, I saw him two different times, once in the

one

one pair of ſtairs room, and I ſaw him in the yard, ſtanding upon a table, I believe, however, exalted upon ſomething.

Q. What was he doing?

A. Attempting to ſpeak, I believe, but I did not hear what he ſaid, I ſaw his mouth move.

Q. You was informed on Tueſday, that the meeting was to be on Thurſday?

A. Yes.

Q. In conſequence of that information what did you do?

A. On the information of Mr. Wells, he expreſſed a great deal of uneaſineſs for his country, and was alarmed, thinking he would be the firſt perſon ſingled out for deſtruction. I told him I would go to inform the magiſtrates; I went that inſtant and gave information at Worſhip-ſtreet: they deſired me to bring the perſons who informed me next morning.

Q. You informed them on the 22d?—*A.* Yes.

Q. The magiſtrates were active, I believe, with their conſtables in diſperſing them?

A. Yes, I believe four or five magiſtrates attended and diſperſed them.

Q. You was alarmed as well as the reſt of your neighbours?

A. Yes, Mr. Wells was particularly alarmed.

Q. You know Mr. Alport the ſeedſman?—*A.* Yes.

Q. Was he preſent?

A. He was preſent when Breillat ſaid a reformation could not be effected without a revolution.

Q. He was a reſpectable man in that neighbourhood?

A. No man more ſo.

William Goodman croſs-examined by *Mr. Vaughan.*

Q. This converſation that you have been relating to *A* was ſo long ago as in January laſt?

A In December laſt.

Q. And

Q. And from that time to this, till the time you gave the information at leaſt, you never thought it neceſſary to ſay any thing to any perſon in authority?

A. No.

Q. Never at all. You are a very loyal man and yet you kept that a ſecret all this time?—*A.* Yes.

Q. What employment have you beſides that of a publican and victualler.?

A. That is the only thing I get my bread by.

Q. Are you not a police officer?—*A.* Yes.

Q. You did not think it neceſſary at all to give information to any Magiſtrate though you were a peace officer?

A. I did think it neceſſary, but I thought the exertions of government might be ſufficient to convince Mr. Briellat of his errors.

Q. And you who were an officer of government did not?—*A.* No.

Q. You keep a public-houſe, and ſaw Briellat there upon the 12th of December laſt?—*A.* Yes.

Q. What time of the day did he come on the 12th of December?

A. It was I believe a little after nine.

Q. Morning or evening?—*A.* Evening.

Q. You are a publican, and endeavour to be very entertaining, I doubt not to your cuſtomers; you drink with them, don't you?

A. No. I do not drink in the parlour once in a month.

Q. Did not you exceed a little that day in drink?

A. No.

Q. You were not at all in liquor any part of the time Briellat was in your Company?

A. Perfectly ſober as I am now.

Q. How were you dreſſed at the time this converſation paſſed?

A. I cannot tell what coloured coat I had on.

Q. Had you any coat on at all during the time he ſtaid there?—*A.* Yes.

Q. Had you your ſhirt on?—*A.* Yes.

Q. During the whole time tha the was there; now tell us what time he came there?

A. About nine or a little after, and I believe did not go away till after twelve.

Q. From nine to twelve Briellat was preſent; during that time this converſation paſt that you tell us of?

A. Yes.

Q. What part of the converſation do you particularly recollect to have paſt; was it this firſt part?

A. No, that was previous to this day.

Q. On the ſame day?—*A.* No.

Q. This converſation about the royal family, was that on the 12th of December?—*A.* No.

Q. Sometime before perhaps?

A. I believe it was ſome days previous.

Q. Then all that paſt at this meeting was that a reformation could not be effected without a revolution?

A. He ſaid that it muſt be, when I told him I would take him into cuſtody, it muſt be ſo, and it could not be done without, and that he was a republican and gloried in being ſo.

Q. I ſee you are now willing to tell us all that paſſed though you were not ſo willing ſome time ago.

Q. Who was preſent beſides Mr. Alport?

A. Mr. Eden.

Q. Any body elſe?

A. Yes, but I do not immediately recollect.

Q. Do you recollect Mr. Pointer?—*A.* Yes.

Q. Mr. Benſon?—*A.* Yes.

Q. And they of courſe heard all that you heard?

A. I ſuppoſe ſo.

Q. What part of the room were you in?

A. Sometimes in one part and ſometimes in the other.

Q. And yet this converſation was very ſhort?

A. This was very late in the evening and I was not much in the room.

Q. This was cold weather, you were about the fire I ſuppoſe?—*A.* No.

Q. Then the converſation was not near the fire?

A. The table was near the fire.

Q. Conſequently there perſons were collected round?

A. Yes.

Q. And you amongſt the reſt?—*A.* No.

Q. Then how did you hear it?

A. I was preſent in another part of the room.

Q. At a diſtance from the company to wait upon them, were they eating or drinking?—*A.* Drinking.

Q. And you take upon yourſelf upon your oath, to ſwear, that from nine to twelve you was by no means affected by liquor?—*A.* At no time at all.

Q. You have told us a great deal about this meeting at Hackney, and have been ſo good as to tell us that it was to work upon the minds of the people, now I aſk you upon your oath, what reaſon you have to ſay that it was to work upon the minds of the people?

A. From the information of Mr. Wills and Mr. Benſon.

Q. But you aſſert as fact that it was ſo; did you ſee any writing of Mr. Briellat's, that ſaid it was to be ſo, did you ſee any thing ſinged with Briellat's name or any body elſe that told you it was to work upon the minds of the people?—*A.* I had it from Mr. Wills.

Q. Did you ſee any writing of that kind?

A. I did not.

Q. Signed by Mr. Briellat, or did you hear any words of that kind ſpoken by Mr. Briellat?

A. No, I never had any converſation with him upon this ſubject.

Q. Nor heard him ſay that was the purpoſe of the meeting?—*A.* No.

Q. Upon your oath don't you know the purpoſe of the meeting was to petition for a reform in Parliament, or take ſome meaſure for that purpoſe?

A. No,

A. No, that report was given there but not by Brielſatt.

Q. You know ſuch a report was given?

A. Not to me.

Q. You never heard that from any body I ſuppoſe?

A. No.

Q. Who told you it was for the reduction of taxes. (I don't know that there was any crime in that) who told you that?—*A.* From information of Mr. Wills.

Q. Who is he?—*A.* A hair-dreſſer.

Q. And ſo this loyal hair-dreſſer was very much affected by this?—*A.* Yes and very juſtly.

Q. And Wills gave you all theſe notions about this being to work upon the minds of the people?—*A.* Yes.

Q. Wills was an alarmiſt and very much frightened for his family?—*A.* Yes.

Q. You ſay ſeveral magiſtrates were preſent at this meeting?—*A.* Yes.

Q. Don't you know that notice was given to ſuch magiſtrates, and that their attendance was particularly deſired by the people who ordered the meeting?

A. No.

Q. You have heard all on one ſide I ſee?

Mr. *Sylveſter*, this is near Spittalfields, is it not?

A. No in Hackney road.

Q. Very near Spittalfields, is it not?—*A.* Yes.

Q. There are 10000 manufacturers there I ſuppoſe?

A. Yes, and 5 or 6000 out of employ.

Q. Was you a regular officer of the police?

A. Only an extra police-officer, being an houſekeeper.

Q. Don't you live by the office?

A. No, we uſed to go out once a week and frequent the different public-houſes and for no other purpoſe.

Mr. *Alport* ſworn and examined by Mr. *Sylveſter*.

Q. You are a nurſery man I believe at Hackney?

A. Yes, in the Hackney road.

Q. A gardener nurſery-man and ſeedſman?—*A.* Yes.

Q. Do you know Briellat?—*A.* Yes.

Q. He is a pump-maker?—*A.* Yes.

Q. Was you preſent on the 12th of December at Goodman's houſe?—*A.* Yes.

Q. What paſſed, what did you hear Briellat ſay?

A. Briellat came in with a Mr. Benſon about nine o'clock in the evening, a converſation ſoon after took place reſpecting the meeting at Merchant Taylor's Hall.

Q. A meeting of the merchants that was held there?

A. Yes, at Merchant Taylor's Hall, alſo about a meeting at the church, when they came to a reſolution to ſupport the Conſtitution of this country; a little altercation took place between Briellat, Benſon and myſelf, they contended that thoſe perſons who ſigned their names at Merchant Taylor's Hall, had not a right to ſign their names at the church and the diſcourſe ran a a little high, ſome ſpeaking againſt the adminiſtration of this country, and I and ſome others contending for it.

Mr. *Gurney* repeat the laſt words.

A. They were rather warm, Briellat was contending that the adminiſtration was not as it ought to be. I never expected to be called upon till yeſterday, and therefore I can only ſpeak to what I can recollect and I ſhall ſay no more than I can recollect clearly, what was the moſt pointed at in Briellat's converſation and what I took moſt notice of was, that he ſaid he was a republican and he owned he was a republican and that there could be no reformation in this country without a revolution, and that is the ſubſtance of what I recollect.

Q. Did he ſay any thing about kings?

A. I don't recollect any thing particularly about the king, he was ſpeaking in general terms that the king and royal family were a great expence to the country, and mentioned the general drift of the diſcourſe.

Q. You ſaw this meeting in October laſt?

A. Yes, I walked up the road out of curioſity, there were a vaſt number of people aſſembled.

Q. In

Q. In what field?

A. In a little field or piece of ground behind Briellat's houſe more like a large yard than any thing elſe.

Q. Did you ſee Briellat there?—*A.* Yes.

Q. Did you ſee him upon the table?

A. I don't immediately recollect ſeeing him upon the table, but I think towards the latter end of the buſineſs, he was, but I will not ſpeak poſitively to that, I ſaw him upon the ſteps of the back-door and at different parts of the premiſes.

Mr. *Alport* croſs examined by Mr. *Gurney.*

Q. Tell us what perſons were preſent at this converſation in December laſt?

A. I will as near as I can recollect, myſelf, Briellat, Benſon, Adams, and Goodman.

Q. Was a Mr. Pointer there?

A. Mr. Pointer junior was there.

Q. Whatti me might you ſtay together?

A. about three hours.

Q. You ſtated before, that Briellatt came about nine or a little after nine?—*A.* Yes.

Q. Was Goodman in the room all the time?

A. No, he came occaſionally backwards and forwards.

Q. Was he perfectly ſober all the time?

A. Yes, I believe he was.

Q. No ſort of high words roſe between him and Briellat?

A. Yes, upon Breillat's making uſe of the words I have related that he was a republican and he owned it, and was certain there could be no reformation without a revolution; Goodman reſented it, and ſaid, he did not want him to come to his houſe, that he would not draw him any liquor and there was a great deal of altercation took place.

Q. Did he not ſtrip himſelf to fight?

A. I believe he did pull off his coat.

Q. Did he go any further than pulling his coat off,

did

did he not pull off his ſhirt?—*A.* I do not recollect that

Q. You ſaw this meeting at Breillat's in Hackney road?—*A.* Yes.

Q. You ſay Breillat was towards the cloſe of the meeting upon the table?

A. I cannot ſpeak poſitively.

Q. Did you hear what he ſaid, when he ſtood upon the table?—A. No, I did not.

Mr. *Sylveſter*, Goodman did this at the time?

A. Yes.

Q. And ſaid, though he was a cuſtomer he ſhould not come to his houſe again, and ſhould have no more liquor? A. Yes.

Joſeph Adams, ſworn, examined by Mr. *Sylveſter*.

Q. You are a baker?—A. Yes.

Q. A maſter baker, and live in Hollywell ſtreet?

A. Yes.

Q. Was you at Goodman's on the 12th of December laſt?—A. I cannot ſay as to the date.

Q. Was it at the time when Alport was there?

A. Yes.

Q. About the time of the meeting at the church?

A. I do not know any thing of that meeting.

Q. Goodman is a publican?—A. Yes.

Q. Was you there with Goodman and Hindle and ſeveral other people?—A. I was.

Q. Tell thoſe gentlemen what Breillat ſaid?—

A. Breillat ſaid that there could be no reform in this country till there was a revolution.

Joſeph Adams croſs examined by Mr. *Vaughan*.

Q. During this converſation there was a great deal of violence, I ſuppoſe, of language at leaſt between different people who were diſputing according to their different ſentiments?—A. There was afterwards.

Q. A good deal of violence and diſpute?

A. There might be a great deal of heat.

Q. And violence of argument?—A. Yes.

Q. Do you remember any talking about fighting at this meeting?

A. Yes, there might be, but there was no blows.

Q. Do you recollect either of them taking off his coat or ſtriping for this purpoſe at all?

A. I cannot ſay.

Q. Was there any liquor drank during the time you was there?—A. Yes.

Q. A good deal?—A. I don't know but there was.

Q. That encreaſed the violence of the argument I ſuppoſe?—A. Yes.

Q. A good deal of hard loud arguments one crying up the adminiſtration and the other crying it down?

A. No Sir, Lord no.

Q. What day of the week was this?

A. It was of a Saturday.

John Hindle ſworn, examined by Mr. *Sylveſter*.

Q. What are you?—A. An auctioneer.

Q. Where do you live?—A. In Shoreditch.

Q. Was you preſent at Goodman's?

A. Yes, Breillat was there and Benſon, and I was in the room before they came.

Q. What did you hear Breillat ſay?

A. They were diſputing reſpecting the ſignature that had been at Hickes Hall and at our church, and that brought on ſome diſagreeable converſation.

Q. Where?

A. At Merchant Taylor's hall and at our church, and Breillat's ſentiment was, that he thought there never would be a reform.

Mr. *Chairman* tell us what he ſaid not what his ſentiments are?

A. He ſaid, he thought there never could be any good done in this country, till a revolution had taken place. I was diſpleaſed with the converſation, and I went away an hour and a half before they went away.

Q. What time did you go away?

 A. I went

A. I went at eleven o'clock, and they ſtayed till after twelve.

Q. Goodman was not drunk, was he?

A. I cannot ſay.

Q. You are ſure theſe words paſſed at that time?

A. Yes.

John Hindle croſs examined by Mr. *Gurney*.

Q. Favour us with the words exactly that Mr. Breillat uſed, as well as you can recollect them at this diſtance of time.?

A. That there would be no good done in this country till a revolution had taken place, that he was a republican and gloried in the name.

Q. Are you poſitive that he made uſe of thoſe words that no good would be done in this country till a revolution had taken place, and that he was a republican and gloried in the name?

A. Nearly ſo, it is a long while ago.

Q. Were they not that a reformation could not take place without a revolution.

A. That there never would be any good done without a reformation, and that could not be got without a revolution.

Edward Woodbridge ſworn, examined by Mr. *Fielding*.

Q. In what condition of life are you?

A. Appentice to Mr. Brown in Shoreditch.

Q. What trade is he;—*A.* A Butcher.

Q. Do you know the defendant at the bar, Breillat?

A. Yes.

Q. Have you known him any time?

A. I have known him ſeveral years paſt, while I have been apprentice to Mr. Brown.

Q. And he was no ſtranger to you at the time you ſaw him at Mr. Davis's!—A. No.

Q. Davis is a cheeſemonger?—A. Yes.

Q. Where does Davis live?

A. The corner of Webb's Square.

Q. When

Q. When was it you ſaw the defendant at his houſe?
A. On the 17th of October.
Q. That was on a Thurſday?
A. Yes, in the evening.
Q. How many people were in the houſe of Davis?
A. There was one beſides Mr. Davis when I went in.
Q. Did you go into his ſhop?
A. I went to ſpeak to a man that was in the ſhop.
Q. What was his name?—A. Mr. Horam.
Q. Was Mr. Breillat in the houſe at that time?
A. No, he came in afterwards.
Q. What time was it?
A. About ſix in the evening, ſoon after that came in another man whoſe name I did not know.
Q. Have you learned ſince?
A. I believe his name to be Forteſque a wheelwright.
Q. Was Davis in the houſe?
A. Yes, Forteſque came in before Breillat, there were four of us when he came in.
Q. upon his coming in or at any time afterwards what paſſed?
A. Breillat came in after theſe men; he came to the door and ſaid, I hope I ſee you all brother citizens, then Horam ſaid, yes Mr. Breillat you make four now you are come, but here is one here I cannot anſwer for, meaning me, Davis then aſked Breillat what he had heard, then he ſaid he had heard that the Duke of York had nearly been taken by the French, Davis replied, ſo had he, but it was God's mercy he was not, and turned it off rather with a ſneer; then Breillat ſaid, yes it was God's mercy, but a thouſand pities, for he wiſhed that they had him then in France, after that he ſat down in the ſhop, he then pulled a book out of his pocket, that he ſaid was wrote by an anonymous writer ſome years ago, then he read a paſſage from it concerning the revelations of the firſt and ſecond woe, wherein he expreſſed there never would be no good times till all kings were aboliſhed from the face of the earth,

earth, and it was his ſincere wiſh that there were no kings at all.

Q. Did he read it ſo or ſay ſo himſelf?

A. He read it ſo from the book, and then he ſaid it was his ſincere wiſh there was no King at all; then he wiſhed that the French would land an hundred thouſand men in England, and fight againſt all the government party, and then there was one came in, that I believe to be a journeyman dyer.

Q. Firſt of all let me aſk what he did with the book out of which he read that paſſage?

A. I believe he put it in his pocket.

Q. For mere curioſity ſake, I aſk what ſort of a book it appeared to be?

A. Not a very large one, a bit of a pamphlet.

Q. It was not a bound book?—*A.* No.

Q. Then there came in a journeyman dyer, as you believe?

A. Yes, the dyer ſpoke to Horam, and ſaid he was going down Biſhopſgate-ſtreet, to ſign his name at Eaton's, (what that was for I don't know) and he aſked him to go with him, and Breillat ſaid he would go too, and that is all that I heard.

Jury. Did you hear him ſay what was the title-page of the book, or who was the author of it?

A. No, I did not hear no farther than he ſaid it was wrote by an anonymous writer ſome years ago, but who it was dedicated by he did not mention.

Q. Had you an opportunity to ſee whether it appeared to be a printed book, or a manuſcript writing?

A. I was about as far as I am from you, and I thought it to be a printed book; I did not go to look at it.

Q. After this journeyman dyer had put his queſtion to Horam and Breillat, they went out together?

A. Yes, and ſaid they would go with him with all their hearts.

Q. Did you hear any thing of Breillat afterwards?

A. No.

Edward

Edward Woodbridge croſs-examined by *Mr. Vaughan.*

Q. You live with Mr. Brown the butcher —*A.* Yes.

Q. How long have you lived with him?

A. I have almoſt ſerved ſix years to him.

Q. Has Mr. Brown any partner?—*A.* No.

Q. Has he a ſon-in-law?—*A.* Yes.

Q. Who is that ſon-in-law?

A. One Thomas Bartlet.

Q. Is he an acquaintance of Breillat's.

A. Not that I know of.

Q. Is he any friend?—*A.* No that I know of.

Q. Nor an enemy?—*A.* Not that I know of.

Q. Had they not a battle together?

A. I have heard of it.

Q. Was he not beat in that battle?—No.

Q. You never heard Bartlet ſay any thing about this, when you went to give information to the magiſtrates?

A. No.

Q. Who went with you?

A. Mr. Goodman, he was at our houſe, and ſaid he was going there, and I went with him.

Q. Going to whom?

A. To the Juſtices in Worſhip-ſtreet.

Q. And you ſaid you would go with him?—*A.* Yes.

Q. For what?—*A.* To relate what I had heard him ſay.

Q. Did you tell Goodman before you went?

A. No, I ſaid nothing to him.

Q. Not a word you told to the officer, all the way you went with him?

A. I ſpoke to him, but not concerning that.

Q. Did you think him an improper perſon to mention it to?

A. Not at all, becauſe I know him to be of the contrary party.

Q. Was you afraid of his telling the republicans of it?

A. No, I was not, becauſe he is againſt the republican party.

Q. What was it you told the Juſtice?

A. Firſt

A. Firſt of all I told the Juſtice what I have related here concerning Breillat, afterwards what I heard the dyer ſay at the houſe of Davis the cheeſemonger in his ſhop; I ſaid to this dyer; what you are for no king? and he ſaid he was for no king at all.

Q. You told the Juſtice what paſſed, and what you heard Breillat ſay; now tell us the preciſe words that you repeated to the magiſtrate, as having been ſpoke and uttered by Breillat?

A. I told the magiſtrate I was in Davis's ſhop, the cheeſemonger's, on the 17th of October laſt, on Thurſday evening; and as I mentioned them before, I need not repeat them again. Forteſcue came to the ſhop, Breillat came to the door and ſaid, I hope I ſee you all brother citizens; then Horam ſaid, yes, Mr. Breillat, you make four now you are come, but here is one here I cannot anſwer for, meaning me. He then entered into diſcourſe that he heard the French had been beat by the Spaniards, and he ſeemed ſorry for that; afterwards he ſaid he heard the Duke of York had nearly been taken by the French, and Davis ſaid, ſo had he, but it was God's mercy that he was not; Breillat then ſaid ſo it was, but it was a thouſand pities, for he wiſhed that they had him then in France. Then he took out the book out of his pocket that he ſaid was wrote by an anonymous writer, ſome years ago; then he read a paſſage from it concerning the revelations of the firſt and the ſecond woe, wherein he expreſſed there would never be no good times till all kings were aboliſhed from the face of the earth; moreover, that it was his ſincere wiſh that there were no kings at all; then he wiſhed that the French would land an hundred thouſand men in England, and fight againſt all the government party.

Q. Thoſe were the words, that it was his wiſh that the French would land one hundred thouſand men to fight againſt all the government party, and then he read out of the book reſpecting the revelations and the abolition of kings.

A. Yes

A. Yes.

Mr. *Vaughan.* I ſubmit that whatever ſhall be read at any time, in any place, when it ſhall afterwards be brought forward as matter of crim. againſt any individual, it ought not to be brought forward in any way but as a libel, becauſe the better evidence would be the book itſelf, and that book ought to be produced.

Mr. *Fielding.* We have paſſed over the book as a moſt harmleſs thing; what the man ſaid afterwards we rely upon, and therefore it is merely an introduction to this, and which I give you the benefit of, if you can derive any benefit from it, but it does not form a part of the charge.

Mr. *Vaughan.* It ſtands upon the indictment as a criminal part of the charge.

Mr. *Sylveſter.* No ſuch thing.

Mr. *Chairman.* I don't underſtand that any of the words laid down in the indictment, are the words that the witneſs ſaid he read out of that book; but he read certain other words, and then he makes his own obſervations.

Mr. *Gurney.* Give me leave to read the words. In the third count it is laid, there never will be any peace or good times till all kings ſhall be aboliſhed from the face of the earth.

Mr. *Vaughan.* I ſubmit that this ſhould be preſented as a charge of libel, and not a charge of words; it is the publication of a libel.

Mr. *Fielding.* Here again, to be ſure, my friend's obſervation, which is ingenious, meets with a moſt immediate anſwer, if we had choſen to have charged him with the publication of this book, we might, but if he utters any ſuch words of himſelf, he is chargeable with the uttering, without any reference to the book.

Mr. *Gurney.* I underſtand that it is now a little altered. I underſtood Mr. Fielding that, that part which Mr. Breillat read was uſed as introduction to evidence, becauſe it was ſaid that thoſe words were not in the indictment; now it is found that theſe were the words in

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ſome counts in the indictment; then it is a little changed and ſaid, no we do not make that an introductory part of the evidence to that which relates to the indictment, but we charge him with having adopted the ſentiments of that writer, and therefore uttered ſeditious expreſſions.

Mr. *Fielding*. My learned friend ſays that whatever objection he has ſtated, I have given anſwers to, that is all he ſays. I confeſs, as to that which he read from the book, as I don't think it would be a matter of aggravating the charge extremely; I rather apply to the evidence, which is given of his own obſervation after reading that paſſage.

Mr. *Vaughan*. If you give it up as a part of the charge, the Gentlemen of the Jury will recollect——

Mr. *Fielding*. It cannot be given up as a part of the charge.

Mr. *Chairman*. What has been read out of the book, which is a charge in the indictment, is nothing; it finiſhes, that there never would be any good times till all Kings were aboliſhed from the face of the earth; and then he comes with his own obſervations upon it: then he ſaid, for I particularly aſked the queſtion, whether he went on reading, but no, he leaves the book there, and ſays it was his ſincere wiſh, that there were no Kings at all; and then afterwards went on and ſaid, that he wiſhed the French would land an hundred thouſand men in England, and fight againſt the government party; this is his own obſervation after having read from the book, and is not in the book at all.

Mr. *Gurney*. Your notes, Sir, are perfectly correct, and all we ſtate is, that there would be no good times till all Kings were aboliſhed from the face of the earth, cannot be evidence againſt him, becauſe it was read from a book, we object to that being charged in any other way than that of a libel. In the fourth and fifth counts are theſe words: There will never be peace, nor any good times, till all Kings are aboliſhed from the face of the earth. If I utter any thing ſeditious, it is

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no matter whether I ſay it independent of the book, if I utter them as my own principles, I am liable.

Mr. *Vaughan.* If I read out of a book, the beſt evidence muſt be brought which the nature of the caſe admits, which is the book itſelf.

Mr. *Fielding.* The book is alone in the poſſeſſion of the aggreſſor, and therefore we muſt produce other evidence.

M. *Vaughan.* Tell us at what time Breillat came in?

Woodbridge. About half after Six.

Q. What time did you go away?

A. About half an hour afterwards.

Q. How long might it take the reading of this book?

A. He was not long reading that book.

Q. How long?

A. I ſuppoſe he might be five minutes reading thoſe words, and then he left off.

Q. Did you go out then?

A. No, he left off when he had read thoſe words, and ſaid it was his ſincere wiſh that there were no Kings at all; that was not read in the book.

Q. Who was preſent in the ſhop beſides?

A. Mr. Horam, the dyer, Mr. Davis, and this other man.

Q. Then there was yourſelf preſent, Mr. Horam, the dyer, Mr. Breillat, Mr. Davis, and another man?

A. The dyer came in afterwards.

Q. But when you went away who was preſent?

A. The dyer, Mr. Horam, Mr. Davis, Mr. Breillat, and the other man, five in all.

Q. Do you know his name?

A. No, I heard ſay it was Forteſcue. I did not know it then.

Q. Do you know the employment of the other men?

A. One was a drover, Horam, another was a dyer, I don't know his name, the other is a wheelwright, I believe Forteſcue.

Mr. *Fielding.* I will not trouble you with another queſtion,

queſtion, but I want you to repeat your idea, you ſay you went to the Juſtices, becauſe you thought it your duty ſo to do!

A. I did, I thought from thoſe words that worſe might come of it, and thought it my duty to go.

Mr. *Fielding*. You regarded your duty to your God, your King, and your country, when you did it; you are a very good lad, and I tell you that for your ſatisfaction.

Mr. VAUGHAN.

Gentlemen of the Jury,

It falls to my lot this day to have the honour of addreſſing you on behalf of the unfortunate, and in my imagination, of the very injured man, who now ſtands at your bar. And when I ſay ſo, I conſider it in part a ſubject of ſatisfaction, in part a ſubject of extreme ſorrow.—It is, to my mind, a ſubject of extreme ſorrow, that queſtions of this kind ſhould be brought forward, when no neceſſity upon earth can call for them, from any perſons whatever. I conceive ſo for this reaſon:

Either theſe charges are true, or they are falſe. If they are true, what do they produce to the public eye but this; that there are among our fellow ſubjects in this country, men diſcontented with the conſtitution of its government, who therefore in moments of irritation, of liquor, or of diſpleaſure, when they are put off their guard, expreſs this diſpoſition, and that they are then extremely ſincere. If they are ſincere what follows from that? Why that ſo many perſons do not reaſon like ourſelves upon this conſtitution, and that finding in it defects they wiſh to have them rectified. It is to be lamented that we ſhould not all of us be unanimous in the applauſe of that ſyſtem which very many of us are deſirous of defending with all our might, and with all our ſtrength. But I ſay it is a ſubject of extreme ſorrow, when ſuch diſpoſitions are not confined to the perſons who declare them, when diſcontents expreſſed

preſſed in ſuch circumſtances are brought forward in an audience like this, in a public court of juſtice, and ſo made a matter of public notoriety; and particularly, if afterwards they are reported as they moſtly are, and as they always ought to be; becauſe making known the proceedings of courts of juſtice is one of the moſt eſſential ſupports of our liberties, of our properties, of our lives. It will happen that this diſcontent and the reaſons of it are ſpread abroad among the people. It is true, they may take no effect. Some may fall out by the way ſide, but ſome will fall upon the fertile ſoil. Many of them will undoubtedly imprint themſelves upon the minds of the inhabitants of this country.

So much for theſe accuſations, if they are true. But if they are falſe, what is the conſequence then? though they are falſe, if they are ſworn to, the perſon brought here for trial muſt in conſequence of that be puniſhed, and puniſhed as all of you know very ſeverely indeed. The reaſon of it I do not enquire, the reaſon of it I am ſure I do not underſtand; but certain it is, that within the preſent century at leaſt, and down from that glorious æra, which all of us look back to with joy and gratitude, from the time of the glorious revolution, words —words as ſuch, libels—libels as ſuch, never were puniſhed with ſuch extreme ſeverity as they are at this day. If then it be poſſible that ſuch a charge ſhould be falſe (and that it may be falſe it is not very preſumptuous to ſuppoſe) what reflections muſt ariſe in your minds, what in the mind of every well-meaning man, when he conſiders, that the reſult of your verdict muſt be an impriſonment of the Lord knows what length, a fine to the Lord knows what amount, and diſtreſs to a man and his family ſuch as none of you are able to calculate or conceive. It is for you to look after the evidence, and into the nature of the charge, ſo as to obſerve how far the one ſquares and applies to the other.

Gentlemen, you will pardon me for ſaying ſo much in this reſpect; but we live in times which are ſomewhat ſtrange. We live in times, when word-catching

and libel-catching ſeem to be the faſhion of the day; when men ſeem to think they recommend themſelves and to ſuppoſe it the genteeleſt thing in life to call down others for their unguarded expreſſions, and to dignify the character of an Engliſhman with that of a ſpy and an informer. I hope that none of you partake of that character; I believe you do not, and I judge ſo from your appearance; not that I mean to flatter you. I thank heaven I have not been practiſed in this profeſſion a ſufficient time (although I have been accuſed of ingenuity, which I have not) to acquire that manner, which puts a force upon our nature, ſo as in addreſſing a jury to convert their paſſions and prejudices to the purpoſes of injuſtice. That will make no part of my conduct: I give nothing but a plain ſtory to-day.

Gentlemen, it is moſt true, that Mr. Briellat does think, and give me leave to think ſo too, that a reform is neceſſary in ſome part of the conſtitution of this country—God forbid I ſhould likewiſe think that that reform cannot be effected without a revolution, but that I have a right to ſay ſo, and that I have a right to tell all mankind ſo, is what I am aſſured of from every obſervation which I have been able to make; from converſations, and particularly the converſations of thoſe who are the moſt active in oppoſing this reform, and in bringing forward this diſgrace to our country, this gang of ſpies and informers, and to place their fellow-citizens in impriſonment and ruin them by fines.

It is not to prevent reform and not ſedition that theſe men riſe up with ſo much force and tell us, whenever we ſpeak of reform, for this the language they hold, "There can be no reform without a revolu-"tion." Whenever you give them reaſons why the county of Middleſex, which contains ſo vaſt a number of inhabitants, ſhould ſend more members to parliament than Old Sarum, which has not two houſes in it—they always ſay, but how will you help it?—here are gentlemen in conſiderable power—here are perſons of conſiderable fortune and authority, who have tenants

nants and ſervants, and tradeſpeople whom they employ; all of them perhaps dependent upon theſe gentlemen for ſupport—what then will you do?—Why, if you want to obtain a reform, if you want to procure that the borough of Old Sarum ſhall not have as many members as the county of Middleſex, or if you want to procure that the county of Cornwall ſhall not have within two as many repreſentatives as the whole kingdom of Scotland, which contains 4,000,000 of people, how will you effect it? why it muſt be by force, and no otherwiſe, becauſe this power will be maintained by force: force muſt be oppoſed to force, and therefore a reformation cannot be effected without a revolution. This is the language I have heard from what we uſed to call in former times Tories, but now, in the cant language of the day, Ariſtocrats—this is the language I have heard them hold.——Gentlemen, had I brought ſuch an one to this bar and ſaid, "Sir, "on ſuch a day you told me ſo and ſo," (and I could have brought many) what ſort of an opinion would you have had of me?—what ſort of an opinion would my friends have had of me?—what ſort of an opinion would my country have entertained?—Gentlemen, I think you would have treated me with ſcorn, I mean if I had been the individual who had brought forward that proſecution, I don't mean as the counſel, becauſe we are all to do our duty when we are retained; but had I been the individual who had brought forward the proſecution, would you not have ſaid; you deſerve to be kicked out of every company? and certainly I ſhould: for I ſhould have been breaking every tie between man and man; I ſhould have been betraying the deareſt rights, the honeſt confidence which, I hope, all Engliſhmen feel one to another, and I ſhould have been cutting the cords of human ſociety.

Now, ſuppoſe a man is of opinion (as I have my particular private opinion) that a reform of various abuſes is neceſſary, abuſes will creep in without any man being in fault; the ruſt of time will introduce abuſes

in moral and political things as well as in natural. If this be ſo, where is the harm of complaining of them? Where is the harm of repreſenting them by writing or converſation?—Where is the miſchief done to the country, when I point them out as matter to be remedied, and when I take peaceable means as a mode of remedy? None—none that will warrant the inuendoes in this piece of parchment—this piece of parchment tells us that revolution means a ſubverſion of the goverment. Gentlemen, I deny it flatly; it is no ſuch thing; for we have had a revolution, and a very glorious revolution it was, although it coſt a great deal of blood and a greal of treaſure—a great deal, becauſe any is always too much. But in compariſon with the other revolutions we had but little. What was that revolution?—Was it a revolution that ſubverted the conſtitution of the country, or was it a revolution againſt thoſe who wiſhed to ſubvert it?—Was it a revolution in favour of our liberty and property? or a revolution hoſtile to both?—Why then to ſay that when a man uſes the term revolution he muſt neceſſarily mean a ſubverſion of the government, it is a ſubverſion of language and of juſtice; it is a ſtab and injury to his peace.

Having admitted that this man thought then (and I am ſure he has more reaſon to think ſo now) and ſaid, as a means and not as the end, that a reformation cannot be effected without a revolution, which he perhaps had heard from ſome of theſe Tories of the day, he is brought forward to anſwer for it as a criminal charge, and you will be required to find theſe facts for which he is to go to priſon, the Lord knows how long, and pay a fine of the Lord knows how much, if you find him guilty. It is what ſhall appear upon this parchment, and no more, that is what you will be called upon to ſtate, ſo that this man ſhall be puniſhed. But if you find him guilty, you find that revolution means a ſubverſion of the government, you muſt find him guilty of meaning that becauſe the gentlemen drawing the indictment are pleaſed to put that conſtruction upon

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the word revolution by their inuendo. Gentlemen, the word revolution means no ſuch thing, it means the revolving of things and returning to the point from which they firſt ſet out. That was done at the revolution. James wanted to ruin the conſtitution; when James abdicated the throne and William had delivered this country from ſlavery, then took place the revolution; then was the glorious revolving of things; then it returned to its original ſtate, and then it was that our benefits were complete.

Now this part of the charge I admit with all my ſoul. If you can take upon yourſelves to ſay, that that obſervation is criminal, which I am ſure you have all heard before, viz. that force can only be repelled by force, or that reform without revolution cannot be effected, nay, if you have not heard that from people of all ſides, it will ſeem very ſtrange to me. But if revolution muſt mean a ſubverſion of the government of the country, and making that obſervation is criminal in the ſenſe of this indictment, why then you determine this, that no man ſhall dare to ſay what he thinks upon any political ſubject. You will have ſaid that every man ought to look around him when he ſpeaks and to ſee if there is not a ſpy, or an informer, or a butcher's boy within hearing. You will have ſaid there ſhall be an end to all that honeſt communication which Engliſhmen in the frankneſs of their hearts hold one with another. But this it is impoſſible to prevent at any time, and therefore it would be wiſer to ſew up men's mouths and ſhut their ears, and in ſhort deſtroy all their ſenſes; for theſe proſecutions never did at any time put an end to the fair declaration of public opinions. I am ſure in this country they never did; for, take hiſtory where you pleaſe, I am ſure you will always find that men ſpoke their opinions and ſometimes more than their opinions; and why? becauſe the addition of proſecution was in theirs addition of grievances. They thought it ought to be prevented and

withſtood, and therefore it was that theſe proſecutions had not their effect.

In what manner did this converſation ariſe? there were a ſet of men at this public-houſe ſome abuſing the adminiſtration, and ſome praiſing it, ſome thinking that taxes were good and that a number of employments were good, becauſe they were employed in them, others thinking that the reduction of taxes would be good, for ſo the witneſs underſtood it. Whether the reduction of taxes be poſſible or no, is not now the ſubject of enquiry; but it is a very common and natural ſubject of converſation, for we all know that we are taxed from the hat upon our heads to the ſhoe upon our feet. If every thing we put on reminds us of taxation, it is very natural we ſhould talk of it; it is very natural that we ſhould look to ſee from what ſort of a ſource this fountain flows; and then it is very natural that we ſhould talk of the miniſter who imprints his taxes upon our hats and our gloves and our medicines, in ſhort, upon every thing, for we can neither be born, nor married, nor buried, without a tax. In the name of God, is it poſſible not to think a little about the actors in ſuch a ſcene? when we ſee ſtamps in every corner of the ſtreet—in every perfumer's ſhop—in every ſtationer's ſhop—in every hatter's ſhop, and in every glover's ſhop, when each of them is ſticking a piece of paper into your gloves, your hoſiery and perfumery, in order that you may not go and inform againſt him. If this is to go on ſo, what is the conſequence? that men will complain, that they will talk of reformation, and if they talk of reformation they do right, and they do laudably. We have a right to complain of taxes, when we think them exceſſive, and we have a right to complain of perſons laying on thoſe taxes, if they act improperly; for they accept their places, aye and enjoy the profits too, upon that condition. I dare ſay, neither Mr. Pitt, nor any other perſons about him, care for themſelves two pence about theſe proſecutions, becauſe they do not gain any thing by them; but there are others

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that do; for inſtance, this extra police officer, employed by ſome of the virtuous aſſociations that we have ſeen for carrying on proſecutions—what was the witneſs, Goodman's, employment at that time?—he was an extra police officer, and what is an extra police officer? —Why a gentleman that expects to become a police officer, with a little of the ſweets of the profit beforehand —a police officer in reverſion, he was not apprentice to the trade— he was only upon liking. He thought he had made a complete quibble by his anſwer, and I defy any man to ſay, he ever ſaw an evidence given with zealous malignity as his evidence was given—for the rule of evidence is this, that a witneſs is to teſtify to a matter of fact, and not to reaſon; but he goes further and argues the caſe—for this extra police officer that was, I ſuppoſe the real police officer that is—he tells you, that Mr. Briellat was going to a meeting. It was held in a field of his at Hackney. It was to work upon the minds of the people.—Where did you hear that? —Why, from Mr. Wills, the hair-dreſſer! who was frightened for his family, and thought all the democrats were coming to eat him up alive.

You ſee, Gentlemen, how zealouſly he goes out of the queſtion—but I beg you, for own ſakes, to conſider very ſeriouſly, which is this, that if you ſuffer your minds to go for one moment out of this charge upon this indictment, if you find the defendant guilty of words which were ſpoken, but not preſented on this parchment, and pardon if I ſay, you are foreſworn men; for certainly this only is the charge that you are to try—this only is the charge that you are to find proved or not.—Why then, how do the proſecutors find themſelves?—Why they ſay, here is a man who tells us, that a reformation cannot be effected without a revolution. They know, however, there is not much in that, and particularly, becauſe it paſſed a long while ago, and juries do not like ſtale proſecutions any more than they like ſtale goods. Then to bolſter this up, they take you to the Hackney meeting, and tell you a long ſtory,

there being a number of people collected, ſo that then the learned counſel will have an opportunity of mentioning the proteſtant aſſociations in the year 1780, and of the conflagrations then produced. Thoſe riots no man remembers with greater horror than I do; but what did that proceed from? Did it proceed from ſentiments of liberty? Certainly not; for it was for the ſuppreſſion of religious liberty—the Roman Catholics were under parchment chains, which, it muſt be confeſſed, bound them very tight. When they were dangerous to this country, at the æra of the revolution, acts of parliament were made to reſtrain them, ſo as that it ſhould not be in their power upon reſorting to arms and violence to overturn that conſtitution, a great part of which conſiſted in the protection of our liberty. Time paſſed on, and the Roman Catholics dwindled in number, till they were reduced to a very ſmall and not a dangerous body. They became attached to that conſtitution from which they derived advantages, and therefore the generoſity and the juſtice of the country ſaid, let them be relieved. But what ſaid thoſe proteſtant aſſociations? they ſaid, this is inimical to our religious liberty, becauſe our religious liberty is the proteſtant religion. Now this is exactly what the Roman Catholics ſaid a hundred years before, and exactly that for which the proteſtants were burnt in Smithfield. Then, I ſay, thoſe proteſtant aſſociations were not for liberty but for fanaticiſm and deſpotiſm. They were miſchievous things, and I wiſh their examples had not been lately followed. But ſo far was this meeting at Hackney from bearing any ſuch character, that it was conſtructed upon a different, and I will tell you what model, not of tyranny—not of fanaticiſm—not of fire and ſword, but to reſtore thoſe benefits which, I ſay, we have loſt ſince the revolution. If every ſuch attempt is to be prevented, if we are to go on and have this glorious fabric frittered away, we ſhall at laſt become as deſpicable a nation as any now in Europe.

Gentlemen, for this purpoſe a number of men did un-

undoubtedly think it neceſſary for them to do in their own defence what many others have been ready to think it neceſſary for them to do in the ſame ſituation. They thought it neceſſary to aſſociate, and they aſſociated, upon what model? why exactly upon the model of the Right Honourable William Pitt—that immaculate Prime Miniſter, who now loads us with taxes, the *preſent* Prime Miniſter, but not the Miniſter of that day. Theſe were the virtues of him who was not miniſter, but of the extra officer, who was upon liking. —Says he, we muſt aſſociate and have a reform in parliament; for if there is not one how are miniſters to be honeſt? He comes into the Houſe of Commons, and he finds there men, very honeſt men, and thoſe men aſſociate with him in the ſame cauſe.—Says he, reſtore the conſtitution of the country or you will never have a virtuous executive government; reſtore your conſtitution, or you will never be a virtuous legiſlative government—but how reſtore it? againſt power, againſt property, againſt placemen of all deſcriptions, from the Auditor of the Exchequer down to the loweſt officer of exciſe? Do not theſe people ſpread themſelves over the iſland? Are not the ramifications of their influence perceived in every town and village? They have the ſtrength—the weapons—the arms—the force. How will you meet them but in this way?—union is a ſtrong thing—let us make a bond of union among ourſelves for the liberty of the ſubject, as they have for themſelves in their places and penſions, and let us endeavour by that means to obtain a redreſs of our grievances, that was exactly the model of the aſſociation which took place ſome time in 1782 or 1783, immediately after the example of thoſe fires which have been alluded to, and it was carried on with the preſent Prime Miniſter at its head. Then is it ſo criminal a thing to aſſociate? Is it ſo criminal to look after a reformation which could they thought be effected without a revolution, but which has not yet been effected any way. Upon this model others thought they might aſſociate,

and

and as no ſkirmiſh or bloodſhed, or no violence had enſued from this former aſſociation, ſo they thought they alſo might find ſome men honeſt enough in the Houſe of Commons or elſewhere who would repreſent their grievances to the legiſlature, to the Sovereign, and to the ariſtocracy; ſo that we ſhould have the benefit of that reform. That is what theſe perſons thought—that is what Mr. Briellat thought. I will tell you what was his conduct, how Mr. Briellat came to be mixed with it at all; for this meeting having been introduced here in order to holſter up the other parts of the charge, I am forced to explain why theſe perſons met. Gentlemen, there are, as we all know, a monſtrous number of committees of thoſe bodies who call themſelves aſſociations againſt republicans and levellers, but they would give themſelves a far better name by calling themſelves aſſociations for receiving informations—anonymous letters and carrying on proſecutions. Theſe gentlemen have 150 committees in different parts of this capital. I don't ſay, that no honeſt men joined them; one honeſt man did join them and ſoon left them, for very good reaſons, and he has publiſhed thoſe reaſons to the world, which are well worth any man's reading.

Gentlemen, there is not a word ſpoken by any of you in a butcher's ſhop, or any other, but it may be carried to the office of theſe gentlemen, exactly as at Venice, where you may throw a piece of paper into the mouth of a lion (and by the bye the compariſon is not a bad one) when immediately proſecutions are awarded. I know theſe gentlemen take great merit to themſelves for their conduct in theſe inſtances. Many of theſe aſſociations have not miſconducted themſelves at all. I know individuals belonging to them who are honeſt men, and I wiſh all honeſt men had gone among them, to have prevented the miſchief they have cauſed. But gentlemen, what is the conſequence? that any malicious enemy I may have may take advantage of any looſe word I may ſpeak in a moment of pain—in a moment

ment of joy—in a moment of ſadneſs, and that he may carry his information to the lion's mouth at the committee of his pariſh, it ſhall go to the central committee, and from thence to the Sollicitor to the Treaſury, or the Attorney-General. Whereabouts are we when thus we are put into the hands of any man in this way, into the hands of the loweſt claſs of the people, of butcher's boys and police officers to accuſe us on any day and at any diſtance of time that they pleaſe. Is this right? is this good? are we ſafe? I don't know whether we are or not. I don't determine theſe queſtions. But it is a good reaſon for to examine into ſuch proſecutions and to ſcout them as they deſerve, if they are inſtituted from private motives. I will tell you the whole as it paſſed. Mr. Briellat found theſe perſons aſſociated for liberty were deſirous of forming ſome kind of ſyſtem by which their cries might be heard, as well as thoſe who were afraid of republicans and levellers, ſo that they might not hear any more of St. Ives, St. Mawe's, or Old Sarum, or any ſuch rubbiſh. Gentlemen, this reforming of boroughs is not the buſineſs of yeſterday. All of us have thought it, moſt of us, I hope, have ſaid it was neceſſary. Every one of us have a right to aſſociate for the enforcement of it. However, there is a great reaſon to ſuppoſe that the object of theſe proſecutions go more to this than to that moonſhine charge of ſedition, which, employed as it now is, no man underſtands, for ſedition is in every man's mouth, but in no man's book. Every man interprets it according to his own ſenſe—according to his own paſſions and his own intereſt—the people wiſhing a reform, knew ſo well that this was the fact with a great many of their acquaintance—they knew ſo well the prejudices that had gone out, that they went to two magiſtrates and ſaid, we mean to have ſuch a meeting; there are ſome hundreds of us, we can find no room to meet in—let us, for God's ſake, have the pleaſure of your company, to ſee that we do nothing and wiſh nothing contrary to the eſtabliſhed government. Two magiſtrates accordingly,

cordingly, as I am informed, attended, and the meeting broke up with perfect quiet and decency. Why then we are told that this was Mr. Briellat's field; he let the Juſtices come into the field, and why did he let them come into the field?—he had as good a right to ſhut them out as any body elſe, unleſs they came in a certain form; however, they came, and the meeting broke up in peace. They accompliſhed their object. What their object was I don't know preciſely; but it was an object favourable to reform. Mr. Breillat then got upon the table and ſaid ſomething which the witneſs could not hear—there are perſons here, I dare ſay, who were preſent and heard what he ſaid. It was this, ſays he, "Gentlemen, we are reproached with being "men enemies to peace, let us ſhew our adverſaries "they are alone of that deſcription; we ſeek liberty, "but liberty is a peaceful thing and not a deſtructive "one. Then don't let your paſſions break out, do "not applaud, nor be clamourous, expreſs neither "approbation or diſapprobation, but let every thing "be quiet, and when we have done depart to your "own homes peaceably." To get upon the table, is that a wicked thing, or was it a wicked thing to tell people, as there were a great many of them, not to make a noiſe? I am informed, it is incredible the peace, the ſilence, and the quiet with which this meeting was carried on. Well, Mr. Breillat was the cauſe of this—he did not give them a quantity of beer, rich man as he is. When they had done their buſineſs they all depart to their homes and ſo does he; but what happens?—Mr. Breillat, at the moment that he ſhewed this deſire of a reform in parliament and of effecting it, this peaceable mode of obtaining a remedy (not by fire and ſword, as he has been repreſented) is ſeized by a warrant, on returning from this meeting. They thought they had caught him on the hip, for they had found Mr. Goodman, the extra police officer, who in January laſt, had heard theſe words, had bottled them up to this time, and now brought them out as briſk as

any champagne for the occaſion. But, gentlemen, is this the manner in which the proſecutions of a great and magnanimous nation are to be conducted? Surely, ſurely, we are come to a ſad paſs, caſt low indeed, when we are brought to this ſituation. And low indeed muſt that adminiſtration be brought which reſorts to ſuch expedients; for this I will ſay, that all the experience of this and all the countries that I have ever ſeen or heard of, will prove that the adminiſtration which cannot ſubſiſt without proſecution is in a galloping conſumption. I am ſure, it is a ſort of thing which every honeſt mind muſt be diſpoſed to reſiſt.

Gentlemen, you ſee that this man was committed upon the evidence given to the magiſtrate by Goodman, and upon the evidence of this butcher's boy. I tell you that no part of the firſt charge is upon this indictment, but that reformation could not be effected without a revolution. Now, if you go out of the the charge and venture to condemn, upon any other words theſe perſons can ſwear to, than ſuch as are upon this parchment (this only being what you have to determine the guilt upon) if you go out of it, you are doing contrary to your duty. I ſay then, all that has been proved, with reſpect to this firſt charge is, that the defendant ſaid, a reformation could not be effected without a revolution, excepting the mixture that has been made of what paſſed in the field.

Chairman. It does not appear to me that any evidence has been given as to what paſſed in the field.

Mr. Vaughan. Certainly not, Sir. Gentlemen, having done then with this part of the indictment, I proceed to the remaining part. And there, I own, I ſee that which would give me infinite pain if I did not know that I had evidence to reſiſt it of infinitely greater credit than what is produced; for how many perſons were preſent at this time?—Five perſons. How many are brought in ſupport of the charge?—Only one. Woodbridge, a butcher's boy, and that is all. He heard a ſomething which was read out of a book which he

he goes and reports at home, from whence he accompanies Goodman; but he does not ſay a word to him about it till he gets to the magiſtrates. Gentlemen, I have not the evidence to prove it, or I could ſhew you that it was founded in mere malice. But I have negative evidence. I have this kind of reproach to make to the proſecutors; why did you not call the other perſons that were preſent? there were other perſons preſent; but you don't bring forward any one of them. All that you bring forward is the butcher's boy, although five perſons were preſent. When was this? Laſt October—they were not dead—they had not bottled their information from December to the preſent time. Gentlemen, were I not to call them, which I will do, it is enough for you to conclude, that their evidence is kept back, becauſe this charge could not be othewiſe ſupported.

Gentlemen, you have before you a junior counſel, when oppoſed to gentlemen who have had the experience of twenty years, who know how to coax a jury, and who know how to keep down an evidence, and no man feels ſo diſtreſt as I do when I have perſons of that deſcription to cope with. But, gentlemen, I will ſet my foot upon a rock—the authorities of the law. For this purpoſe I have brought a book which all of you have heard of, and many of you have read, and I ſelected it for that reaſon. It is ſaid by Mr. Juſtice Blackſtone, upon the ſubject of evidence, as follows: "The one "general rule that runs through all the doctrine of "trials is this, that the beſt evidence which the nature "of the caſe will admit of, ſhall always be required, "if poſſible, to be had." Was it not poſſible to be had? It was—theſe people live in Shoreditch—they are tradeſpeople in Shoreditch. Woodbridge tells you, he knew their places of reſidence, why not enquire of him?—why, becauſe the others ſay, the butcher's boy does not ſpeak truth; they ſay, he has been guilty of an infamous falſehood. Then, I ſay, they have not brought forward the beſt evidence, becauſe the better

evidence

evidence was many perſons, and not one ſingle perſon —if there is any better evidence that might have been produced, the very not producing it is a preſumption that it would detect ſome falſehood which is concealed. Now then, gentlemen, though five perſons were preſent, they came down here with only one witneſs to juſtify the laſt part of the charge, which I deny; I admit the former; I ſay, the former is not criminal. There are caſes where the evidence of one witneſs ought to be valid in the minds of a jury; in the caſe of murder, for inſtance, where only one perſon is preſent —certainly the evidence of that perſon muſt be received; for ſuch a crime as that muſt be puniſhed, and the only way to puniſh it is, by bringing evidence, and the only evidence is one, and therefore that only evidence is good credible evidence; but if there are ſeveral perſons preſent, that is not the caſe. You have not my word only, who have not been twenty months at the bar, when my learned friend has been above twenty years, but you have the words of Mr. Juſtice Blackſtone; he ſays, "One witneſs (if credible) is "ſufficient evidence to a jury of any ſingle fact, tho' "certainly the concurrence of two or more corrobo-"rates the proof." Then, why not bring more? becauſe they knew they could not ſucceed upon it if they did.—"Yet, our law conſiders that there are many "tranſactions to which only one perſon is privy."—There are many caſes to which only one perſon can be privy, and therefore you muſt be ſatisfied with that one. "And the law does not always" (always in italics) "demand the teſtimony of two, as the civil law uni-"verſally requires." This is Mr. Juſtice Blackſtone's account of the nature of evidence. He will not be ſuſpected of ſedition; for he was not an ardent friend to liberty. He was only a partial friend to liberty. It is for you to conſider whether there is not the ſtrongeſt preſumption againſt this witneſs—I will bring to you perſons, not butcher's boys, not police officers, or any perſons wiſhing to recommend themſelves to favour, but two reſpectable perſons, men who

who value their reputation as much as any of you—men in the ſame ſituation of life with the defendant—men in the ſame ſituation of life with yourſelves. Now, if we produce ſuch men to the latter part of the charge, we ſhall put an end to the whole of it; for, will you take upon yourſelves, upon your oaths, to ſay, this man is guilty, for ſaying, that reformation could not be effected without a revolution? I truſt you will receive directions from the bench deſiring you not ſo to do. Will you ſay, that the ſame idea has not entered into your own thoughts?——if ſo, will you conſider it as criminal? Gentlemen, I think you will not ſo ſay, I think you will not be directed ſo from the court. You will liſten to what the court ſhall obſerve with all reſpect. But I will remind you of the ſaying of one of the ſincereſt friends to the conſtitution, as then eſtabliſhed, whether in its regal part or in its popular one. He ſays, "That Decantatum, in our books, " ad queſtionem facti non reſpondent judices ad queſti-" onem legis non reſpondent juratores, literally taken " is true." Gentlemen, you are all tradeſmen, but I am ſure moſt tradeſmen know ſomething of Latin.

Foreman of the Jury. We ſhall thank you to Engliſh it for us, if you pleaſe.

Mr. Vaughan. I was juſt going to tranſlate it to you. "That Decantatum, that is, the maxim in our " books, to the queſtion of fact the Judges don't an-" ſwer, to the queſtion of law the Jurymen do not " anſwer, literally taken is true," that is the tranſlation; "for, if it be demanded what is the fact, the " Judge cannot anſwer it; if it be aſked, what is the law " of the caſe, the Jury cannot anſwer it." This is the opinion of Mr. Juſtice Vaughan, in the famous caſe of Buſhell.—Then he goes on to ſay, "a man " cannot ſee by another's eye, nor hear by another's " ear, no more can a man conclude or infer the thing " to be reſolved by another's underſtanding or reaſon-" ing, and though the verdict"——(Here is the material part, the diſtinction between the Judge and the

Jury,

Jury, a diſtinction that Juries ought never to forget at any rate) "And though the verdict be right that "they give, yet they being not aſſured it is ſo from their "own underſtanding, are foreſworn, at leaſt in foro "conſcientiæ," in the tribunal of conſcience—This being the caſe, I truſt you will do your duty, which is a much more intereſting duty than mine. Moſt of you ſeem to be men of reſponſible characters in life—you will attend to the obſervations of the learned Judges on the bench, who will make many excellent obſervations to you no doubt; but you will remember they are not to be the rules of your verdict, that in matters of law they are deciſive; but you are the only perſons to conſider and to determine matters of fact. If you are prepared to determine that every man who ſays a reformation cannot be effected without a revolution muſt go to priſon, after the manner of impriſonments of this day, you are not the men that I believe you to be. If you can take upon yourſelves to ſay, that all the matters in this record (and you muſt not travel out of it) was ever ſpoken by the defendant, if you can ſay ſo likewiſe, you are not the men I take you to be. On the other hand, if you think the honeſt character of an Engliſhman is ſtill to be preſerved, if you think that a freedom of ſpeech and a freedom of communication is ſtill to go forward between Engliſhmen, remember that words, if even ſworn to, are a ſort of things very indeterminate, eaſily miſconceived, and miſrepreſented, for words are no more than wind: the recollections of men frequently vary it, and the imaginations of men vary it likewiſe. If this is your opinion, you will find the defendant not guilty. But if thoſe prejudices which have been endeavoured to be inſtilled into your minds by a knot of men terrible to this country and to its juſtice, are to give way (which I cannot believe you will ſuffer them to do) to that which is the main object of your oaths, you have made trial by jury a very bad thing indeed, and the jurors of the country are become (as St. Matthew ſaid of another deſcription of men)

" like unto whited ſepulchres, which indeed appear " beautiful outward, but are within full of dead men's " bones."

Evidence for the Defendant.

Benjamin Davis ſworn, examined by Mr. *Gurney.*

Q. You are a cheeſemonger in Shoreditch?

A. Yes.

Q. Do you recollect Mr. Breillat coming to your houſe on the evening of the 17th of October laſt?

A. Very well.

Q. At what time did he come?

A. I believe it was between ſeven and eight in the evening.

Q. What evening in the week was it?

A. Thurſday evening.

Q. Who was in your ſhop when Mr. Breillat came in?

A. Mr. Forteſcue, a wheelright, and two other men.

Q. Do you recollect their names?

A. Yes; one was Horain, and I do not recollect the name of the other.

Q. Thoſe were the perſons preſent, beſides the witneſs Woodbridge?

A. Yes.

Q. When Mr. Breillat came in, we have heard you had ſome little converſation about the news, did you ſee Mr. Breillat produce any book?

A. He did.

Q. What did he read?

A. I think it was a prophecy, taken out of the 11th chapter of Revelations, and the 13th and 14th verſes, concerning the ſecond woe.

Q. Can you recollect what were the words that he read?

A. The

A. The words, I think, were about the earth quaking and a tenth part of the city falling.

Q. Was there any thing in that book reſpecting kings?

A. Not that I recollect.

Q. Did you attend to what Mr. Breillat read?

A. Yes; I was cloſe to him.

Q. Did you hear every thing he ſaid?

A. I did.

Q. Now, to the beſt of your recollection, did he ſay any thing whatever, in the reading of that book, reſpecting the abolition of kings from the face of the earth?

A. No ſuch thing.

Q. That you poſitively ſwear?

A. Yes.

Q. Did he ſay any ſuch words, not reading them in the book?

A. No; he did not.

Q. Did any converſation paſs after Mr. Breillat had concluded the reading out of that book?

A. None at all, not a word.

Q. Then I need ſcarcely aſk you, if there was any converſation after that reſpecting kings?

A. No.

Q. Nor a wiſh that there were no kings at all?

A. No.

Q. If he had uttered ſuch words muſt you not have heard them? *A.* Yes.

Q. Or any words reſpecting the landing of the French?

A. Not a word.

Q. Or, did he expreſs a wiſh that 100,000 French would land to fight againſt the government party?

A. No.

Q. Can you take upon yourſelf to ſwear that no ſuch words were uttered by Mr. Breillat upon that occaſion?

A. No ſuch thing.

Q. Which went out of the ſhop firſt, Mr. Breillat or the boy?

A. The boy, one of his fellow-ſervants called him.

Q. At what period of the converſation, or of the reading, did he go out?

A. While he was reading the book one of his fellow-ſervants came and told him the ſupper was ready, or ſomething of that ſort, and he went away; Mr. Breillat went away with Mr. Forteſcue.

Benjamin Davis croſs-examined by Mr. *Sylveſter*.

Q. The boy, Woodbridge, was there? *A.* Yes.

Q. And there was no converſation of any ſort?

A. Yes.

Q. What was it about?

A. He had a little book that he ſaid he was going to read, and he ſeldom begins a book without reading it through.

Q. Breillat read about the earthquake, and then not a word more ſaid, but Forteſcue and he walked out?

A. I ſuppoſe he read on for a quarter of an hour or twenty minutes.

Q. Did he put the book in his pocket?

A. I don't know.

Q. He did not ſay a word about the Duke of York?

A. No.

Q. There was no converſation at all but merely talking about this book and reading this book, and that was all that paſſed?

A. No, when Breillat firſt came in, before he began reading, there were ſome words paſſed; he came in and ſaid, how do you do, gentlemen all? I believe that was the words, as nigh as I can recollect.

Q. You won't be poſitive?

A. No—I ſaid, how do you do, Mr. Breillat, I hope you are very well?—He ſaid, he had been towards the city, and I aſked him what news, and he ſaid, nothing particular; but I am almoſt tired—O yes, there is news too, ſays he, they ſay the queen of France has been tried and caſt, and they had ſent to the

the Emperor of Germany concerning it, that if he would draw his troops from the frontiers, they would ſave the queen, and would give him fourteen days to conſider of it; and he ſaid, that the French army and the Spaniſh army had had a battle, and the French had got the better; and, ſays he, I have got a book that was lent me, concerning the times now in France, a prophecy, I believe he called it, and then he read it.

Q. He did not ſay any thing about the Duke of York's army being taken? *A.* No.

Q. Recollect yourſelf?

A. Oh, I recollect perfectly.

Q. Nothing about the Duke of York having like to have been taken? *A.* No.

Q. It was a book wrote by an anonymous writer?

A. I do not know.

Q. Did he not ſay ſo? *A.* No.

Q. Nor any thing about the French attempting to land here? *A.* No.

Q. But all at once he pulled out the book?

A. No; I ſaid, let us have the news firſt and the book afterwards.

Q. And, after he had read the book it was put in his pocket without a ſingle obſervation?

A. No.

Q. Not a ſingle obſervation was made by any body?

A. No, not a word—away he went and ſaid no more about it.

James Forteſcue ſworn, examined by Mr. *Vaughan.*

Q. What buſineſs are you?

A. A coach and cart wheelwright.

Q. Where do you live?

A. In the Curtain Road, Shoreditch.

Q. Do you know Mr. Breillat, the defendant?

A. Yes.

Q. Did you ſee him any time in October laſt in the ſhop of Mr. Davies, in Shoreditch?

A. Yes.

Q. Were you preſent when he came in?

A. I was, in about five or perhaps ten minutes before he came in.

Q. Will you relate, as well as you can recollect, what paſſed during the time that you were there with him?

A. Yes—I was in Davies's ſhop when Breillat came up to the door, with ſome irons upon his ſhoulder, and ſome fiſh in his hand; he came in at the door and ſays, gentlemen, how do you all do? we made anſwer we were very well. What news have you, ſays Breillat? We ſaid, we have no news at all, you are likelieſt to know as you have been in the city; ſays he, I know of none in particular. We ſaid, why, is there none at all? Why, ſays he, there are two or three things flying; but I don't know what it is particularly, for I have almoſt forgot, ſays he, I muſt recollect; he recollected a bit—why, ſays he, I will tell you the firſt paragraph is, that they have tried the queen of France and it is reported that ſhe is caſt for death, and, ſays he, they ſay that they have ſent a propoſition or ſomething of the kind to the Emperor of Germany, if ſo be as he would wiſh to ſave her; the propoſition was ſent, and they demanded an anſwer at ſuch a time, about fourteen days, from them; that if ſo be he would draw his forces from the frontiers, that they would ſave ſhe and make a good proviſion for her and her family; that was all very good we thought. Why, ſays he, the French and Spaniards have had an engagement, and the Spaniards are drove from the frontiers, I underſtand. That is all that I know about that.

Q. That was the end of the news?

A. It was the end of the news; he ſaid, he had got an old prophecy, or ſomething of that kind, in a pamphlet which he had ſeen ſomewhere and borrowed, that related to the preſent ſtate of affairs in France—when the news was over he pulled it out of his pocket and opened it, and began about the middle of it; the beginning of it was in 1747, I took particular notice of the

the year, becauſe it was the year I was born in.

Q. Do you mean to ſay, that was the beginning of the pamphlet?

A. No; the beginning where Mr. Breillat began reading, there was a date of 1747, and this hiſtory or this prophecy was taken out of the Revelations, John the Divine's prophecy, and it went on concerning the revolution in France, as it ſignified this prophecy propheſied much like the troubles in France at this preſent time, and it was ſuppoſed by the prophecy that this French nation was the place where theſe troubles ſhould begin.

Q. What part of the Revelations was it that the prophecy ſuppoſed to have that meaning?

A. The 11th Chapter, I think, there was to be a very great woe and a very great earthquake, and the tenth part of the city was to fall.

Q. Was this explained to relate entirely to the affairs of France?

A. Yes; it was ſuppoſed that the nation of France was the place fixed for theſe troubles in that prophecy at this preſent troubleſome time.

Q. How long did the reading of this prophecy laſt?

A. He read about twenty minutes or better, near half an hour.

Q. Did you ſee the butcher's boy, Woodbridge, there at that time?

A. I cannot ſay I did ſee him; there were ſome butcher's lads at the door, but they were there a very little time.

Q. After the reading, what paſſed?

A. Nothing was ſaid, but he ſhut up his book, took his fiſh in his hand and went away; I went with him part of the way; I ſtaid till Mr. Breillat went away; he wiſhed the people a good night, and I walked with him to the turning which goes to his houſe, and I went up Holywell-lane.

Q. Did you hear any converſation about the abolition of kings from the face of the earth on the part of Breillat?

A. No.

Q. You was there before he came in and went away with him? *A.* Yes.

Q. During that time did you hear any thing about the French landing 100,000 men, or about the Duke of York?

A. Nothing at all.

Q. Can you poſitively recollect ſo as to be able to ſwear that?

A. I ſtand here before God and man, and I would not tell a lie.

James Forteſcue croſs-examined by Mr. *Sylveſter*.

Q. You live in Holywell-ſtreet?

A. No, in the Curtain Road.

Q. How long have you lived there?

A. Near twenty years.

Q. In the year 1788 you lived there?

A. Yes.

Q. You have been a witneſs here before?

A. No, never upon any thing of any kind.

Q. In no court whatever?

A. No, no more than a trifling thing before a Juſtice.

Q. Do you mean the Jury ſhould underſtand that you was never examined as a witneſs in a court of juſtice?

A. No.

Q. Never at the Old Bailey?

A. No, never. I never was there in my life.

Q. Do you remember a man of the name of Edward Sellons?

A. Yes.

Q. He was an acquaintance of your's, was he not?

A. Yes.

Q. He lived by Kingſland?

A. He lived in Kingſland-road.

Q. You have been acquainted with him ſome time, have not you?

A. No;

A. No; but I have ſome reaſon to know him.

Q. Upon your oath, was you not a witneſs in his behalf at the Old Bailey?

A. No.

Q. I mean a man who was tried and convicted of a highway robbery at the Old-Bailey, when you appeared in his behalf?

A. No.

Q. You remember his being tried?

A. No; I remember hearing talking of his robbing the mail.

Q. Do you remember his being hanged in the year 1778?

A. Sellons was not hanged.

Q. Which of them was then?

A. I don't know, I ſuppoſe it was his accomplice.

Q. Then you have heard of it?

A I heard he had turned evidence.

Q. And you mean to ſay, you never was a witneſs for that man at the Old-Bailey?

A. No, nor any where elſe.

Q. You never was examined upon that trial?

A. No; I ſpeak the truth.

Q. You had no concern at all in that trial?

A. No.

Q. Did you know any thing of this meeting at Hackney?

A. No, I know nothing of it.

Q. Now, as to this book that was read, there was nothing in it about kings?

A. No.

Q. Nor kingly government?

A. No.

Q. Nor a word about monarchy?

A. No.

Q. What was it that was to be overturned, for I happen to know what book you are alluding to?

A. I don't know.

Q. Do you mean to ſay, there was nothing in it about overturning monarchy? *A.* Not

A. Not a word.

Q. And this book was read and put in his pocket, without a ſingle obſervation from him or any body elſe?

A. Yes.

Q. And as to the butcher's boy, whether he was there or not, you will not be poſitive?

A. No; as to Sellons, I was obliged to ſummon him at Whitechapel court.

Q. Do you mean to deny that Sellons was either a principal or accomplice in the robbery of the mail in 1778?

A. I know nothing about it any farther than people ſay.

REPLY.

Mr. Sylveſter. Gentlemen of the Jury, it now becomes my turn to make a few obſervations upon the defence ſet up for this man at your bar. You have had a long declamation, of no leſs than an hour and a half, in which all ranks of men, from the higheſt to the loweſt, have been libelled; there is not a man, there is not a court but what has been attacked, in my opinion, in a very improper manner. In the firſt place, we are told (and the gentleman avows it himſelf) that his principles are, that a reform is neceſſary, and that the conſtitution can be altered and ameliorated by a ſet of banditti aſſembling in fields round this metropolis.

Mr. Vaughan. I ſaid no ſuch thing—that is your interpretation.

Mr. Sylveſter. It is my interpretation. Gentlemen, he juſtifies at this moment the meeting at Breillat's, and, ſays he, had a right to call any number of people he pleaſed together, for the purpoſe of amending the conſtitution. He ſays, the firſt charge is not proved, becauſe, though it ſtates that this man has ſaid, that "a reformation could not be effected without a revo-"lution." He ſays, the meaning of the word revolution

lution is to go back to a former ſtate. Where are we to draw the line? Are we to go back to the late revolution in this country, to the ſtate of the ſavages of America, or to the preſent ſtate of the people in France, who are without either law or religion; but we thank God we have both laws and religion.

Gentlemen, it has been told you, that the Courts of Juſtice have in theſe times inflicted more ſevere puniſhments than have ever been done ſince the revolution. It does not become us practiſers at the bar to find fault with thoſe judgments, which have been given by men of the firſt character, by men who conſider well and judge right what puniſhments men deſerve, nor is this or any other court to be intimidated, and told that theſe puniſhments are too ſevere; it is with the court to puniſh the offender according to the crime, and to hold him up as an example to deter others from committing the like offences.

Gentlemen, it is told you and made a kind of triumph, that formerly the ſyſtem of reform was ſupported by our virtuous and immaculate Prime Miniſter, as if to be immaculate and virtuous were in theſe times a ſubject of reproach. But, gentlemen, we are now trying a plain fact, which, I think, is brought home to your ſatisfaction. My learned friend called upon you to conſider your wives and children. I, in my turn, alſo claim your protection for your wives and children; the only way to protect them is by ſupporting the conſtitution and the government under which we all live; for when this is overturned there is an end of all our property, and every thing becomes anarchy and confuſion.

Gentlemen, it has been told you, that I perſonally, having practiſed a long time at the bar, am poſſeſſed of ſome art, ſome contrivance. I don't know that any man need to be aſhamed of conducting this or any cauſe to the beſt of his ability. I don't know that it is a reproach to that gentleman for exerting his abilities in a bad cauſe, which his certainly is, neither is it a reproach

proach to me that I have had the honour of practiſing in this court, and before a man who underſtands law as well as any of the Judges. It is the pride of my heart to attend before ſuch a bench, from whence you will hear the law laid down as it ought to be laid down.

The learned gentleman has quoted Blackſtone to you, who ſays, that Juries are judges of the law as well as judges of the fact. So they are, and you are the perſons to determine the fact, having received your information from the court of what the law of the caſe is.

Gentlemen, it is told you, that the beſt evidence that the nature of the caſe will admit of ought always to be produced and an author is quoted for it. But, gentlemen, it is likewiſe, by the ſame author, ſaid, that one witneſs, if believed, is fully ſufficient. So it is, we all know, that in many tranſactions that paſs one good credible witneſs is ſufficient. But it is ſaid, that it is neceſſary that every witneſs ſhould be called. Why ſo? if the gentleman thought it was law that he was ſtating to the jury, and did not mean to miſlead them, why did he not call all the perſons who were preſent? But as the gentleman perfectly well knows that ſome perſons might hear the whole and others not the whole of it, you are to impute perjury to that boy, who can have no intereſt, who tells you a plain fact, whoſe character they have not touched, becauſe they knew they could not affect it; he tells you a plain natural ſtory, that they were converſing about the news, about the Duke of York being taken and the army; and then he ſtates, that there was a book, which Breillat had in his cuſtody, and which he read, wiſhing that all kings ſhould be aboliſhed from the face of the earth. Gentlemen, I don't know whether it has happened to you, but it ſtrikes me, that it is a book purporting to be a diſcourſe upon the Revelations, in which the fall of monarchy is predicted to happen in the year 1792, and as people have ſuppoſed is applicable to France. Gentlemen, it is ſaid, that we ought to produce this book.

book. Is it ſo? Who has the book? Breillat himſelf; for he put it in his pocket; he might therefore have produced it, but he has not produced it.

Gentlemen, two witneſſes are called to contradict this boy, and upon whoſe teſtimony you are to impute perjury to him. One of them tells you, he does not recollect whether the boy was there, therefore his teſtimony is not material. The firſt witneſs tells you, that Breillat ſeldom read a book but what he finiſhed, and when he had finiſhed reading, without ſaying a ſingle word, he put it in his pocket and went away. Is that probable? Is it likely? He takes out a book and reads about the tenth part of a city falling by an earthquake and not a ſingle obſervation follows it, not even that it was wonderful that in the year 1747 this ſhould have been predicted, but not a ſingle obſervation was made. Gentlemen, it is poſſible that the witneſſes may be ſpeaking of different times; for the laſt witneſs does not recollect whether the boy was there or not, and yet we are to be told that we are a nation of informers and that we ſhall all become informers, which is a diſgrace to us.

Gentlemen, the boy, in my mind, acted wiſely, he acted prudently in not talking of this to any body, but going with an officer to a magiſtrate and telling the ſtory. Some of my witneſſes have been aſked about being alarmed. Why, gentlemen, one is to be alarmed when ſeditious men are planting themſelves from eaſt to weſt in various parts of the town. I ſay, gentlemen, when one ſees that, it is high time for every honeſt man to join to put a ſtop to it, when perſons are collected together thus in every part of the town. When you hear one man ſpeaking ſeditious words in one part of the town, and another in another, you have reaſon for fear and for alarm; and a great deal of praiſe is due to thoſe who ſtand forward as your defenders. Then the only attack is upon this boy, whoſe teſtimony, in my mind, remains unſhaken; but what do they ſay to the evidence of all the other witneſſes?

Here

He is Goodman, who tells you that he is a publican, that he heard a converſation, in which this man ſtated that there ſhould be a revolution, and that nothing would do good but a revolution. His fears are not alarmed till a meeting is to be held at this man's houſe, at which all the perſons in that neighbourhood are called together. —Is this a legal meeting? Have we no other mode or could they apply to none of their law friends to know how they were to be aſſembled? Have we no Sheriffs whoſe buſineſs it is to call a meeting? Have we not two worthy repreſentatives who might have aſſembled them? But Mr. Breillat is to aſſemble, in the neighbourhood of Spitalfields, all the men who were out of work, and harangue them upon a table. I dont impute what he ſaid upon the table but to ſhew the diſpoſition of that man's mind.

Gentlemen, it has been ſtated to you that application was made to two magiſtrates.—Have we any evidence of that? None at all; the fact is not true and it is not their interruption now that will prove it. They knew the fact would not bear them out, and they, as lawyers, ought to know that that is not the way to call a meeting of the county, the only legal meeting of the county is called by the Sheriff.

Gentlemen, have they attempted to ſhew any animoſity in this man, Goodman, or is it any imputation upon him that he is a conſtable—many of you, I dare ſay, have ſerved the office of conſtable with credit to yourſelves; and whether a man is appointed by the court leet or by the magiſtrates, does it follow that he is to be a ſubject of reproach that he has forgot every thing that is juſt and honorable, and that he is for a paltry expectancy to perjure himſelf.—But does it ſtand upon his evidence alone.—No a very reſpectable tradeſman, Mr. Alport, confirms his teſtimony in every reſpect, and then Mr. Adams does the ſame; he fixes it in the very words of the Indictment, he tells you that he ſaid, no good would be done in this country till a reformation took

took place, and that could not be done without a Revolution.

Now gentleman, really I ought to make an apology to you for taking up ſo much of your time upon ſo plain a queſtion, after the long ſpeech you have heard; in which you have had miniſters attacked, the bar attacked, the whole nation attacked, in ſhort every body, that could be lugged in, has been attacked in this buſineſs; the gentleman, has told you that if you give a verdict improperly you are forſworn.—Gentleman, he does not know you, if he ſuppoſes you could give a verdict improperly; he does not know me, if he thinks I could aſk you ſo to do. I wiſh nothing but a verdict conſiſtent with your oaths, conſiſtent with your conſciences. —I know you well, you are reſpectable men in your ſituation, and you will give a juſt verdict, whatever that verdict is, I for one ſhall be ſatisfied. The law has made you the guardians of our liberty, our property and our lives from the higheſt to the loweſt;—the higheſt cannot do injuſtice or the loweſt be oppreſſed with impunity and therefore you are to diſregard every thing of that kind, on the one ſide as well as on the other; it is not becauſe Breillat, as has been ſtated to you, is a man of property, not becauſe he is a man of fortune or has had the honor to ſit in that box that ſhall ſcreen him to day—I only wiſh that perſons in higher ſituations, who are guilty of like offences, were alſo brought to this bar.—Here you have not a low man, it is acknowledged that he is a man of property, that he is in a good ſituation in life, that he is your equal, and therefore becomes the more an object of danger. It is ſaid this is an improper proſecution.—I ſhould be glad to know if you were in the ſituation of the Attorney General, and a perſon was to come to you, and lay information that a man had been ſpeaking ſeditious words, for the purpoſe of exciting a diſturbance in this country; and that afterwards he was about to hold a meeting at his houſe and in his field, whether you would not think it your duty to bring forward ſuch a

man?—He hears what the the witneſſes have to ſay and he ſays it ought to be enquired into, then let a Jury of the country enquire whether theſe facts are true, if true he incurs the puniſhment due to them; if they are not true the magiſtrate has been impoſed upon, but that is no diſgrace to him, for it is the duty of every man concerned in the adminiſtration of juſtice to lay facts of a heinous nature before a court and Jury for them to determine whether they are or are not true, and that is the ſimple queſtion for you to try. I ſhall not go through the whole of the caſe about a reform in parliament for it has nothing to do with it, it is only made uſe of as an argument on the part of the counſel for the defendant to captivate you underſtanding, and if poſſible to prejudice your minds; you are to ſuppoſe that all theſe notable reformers are perſons who are your friends and who will eaſe you of taxes.—It may be ſo in France, which is now the moſt unfortunate country in the world, without laws, religion or government and yet you are told that taxation is a burden which you ought not to bear.—I can only ſay you bear it in common with the reſt of your fellow citizens; here the taxes are proportioned to your property, it does not fall upon the perſon but upon the property, it was, not ſo in France, and yet that is made of uſe us an argument to throw a prejudice upon a proſecution of this kind. And then you are told that there are ſome rotten Boroughs which ought not to be repreſented in Parliament; but whether they ought or ought not is not for us to diſcuſs in a court of Juſtice, nor is it for Breillat to diſcuſs at the head of his weavers near Spitalfields. I ſay gentlemen, I ought to make an apology for detaining you ſo long.—All you have heard has been a declamation and an attack upon the government and upon thoſe who are adminiſtrators of the government of this country, without giving an anſwer to a ſingle obſervation; the only point of evidence has been to diſcredit that witneſs, and inſtead of diſcrediting him, I am of opinion he is confirmed.

Gen-

Gentlemen, having ſaid ſo much I ſhall ſit down perfectly ſatisfied on which ſide your verdict will be, becauſe I know you are men of ſenſe, I know you are men of integrity.—

SUMMING UP.

Mr. Mainwaring. Gentlemen of the Jury. This is an indictment againſt the defendant, Thomas Breillat, charging him with certain miſdemeanors, in unlawfully and ſeditiouſly uttering, publiſhing and declaring in a certain converſation which he then and there held concerning the conſtitution, the words following, that is to ſay, a reformation cannot be effected without a revolution; and then there is another count follows in this Indictment, charging him with the ſame, that we, meaning the people of this realm, have no occaſion for any kings; and then there is a third charge in the Indictment, ſtating him to have ſaid, that there will never be any peace or good times until all kings are aboliſhed from the face of the earth. Then there are other counts mentioning theſe words, and then comes a ſeventh count which charges the Defendant to have ſaid, it is my wiſh that there were no kings at all; and the ninth count, charges the defendant to have ſaid, I wiſh the French would land 100,000 men in England to fight againſt all the government party.

Gentlemen, theſe are the charges laid againſt the defendant as words ſpoken by him with a ſeditious and a malicious deſign.

Gentlemen, it appears to me that upon this occaſion your duty and your province lies in a very narrow compaſs indeed, that you have no occaſion to be perplexed or entangled with hiſtory or politics, if you will only impreſs upon your minds one or two ſhort principles, in my opinion, it will carry you though this buſineſs as fair, honeſt, upright men, diſcharging that duty which you owe your country. Certainly we cannot but admit that no man is puniſhable for the diſcontent

and diſſatisfaction of his own mind; men have a right to their own opinions, and I ſhould be ſorry to ſee a man, ſtand at this or any other bar in any criminal court of judicature, becauſe he had in an unguarded manner delivered ſentiments not ſtrictly legal, or which, if conſtrued too ſtrictly, might be conſidered as ſeditious; but, Gentlemen, no man in a diſcontented ſtate of mind is to infuſe that diſcontent into the minds of others, by which he diſturbs the public tranquillity, and becomes a very capital offender againſt the laws of his country; becauſe, whatever diſturbs the tranquillity of the kingdom is a general detriment to us all; therefore it appears to me that the queſtion here for your conſideration is, whether this man comes within that latter deſcription: if he does not, I think you ought to acquit him; but if, upon the whole of this buſineſs, you think he is of that diſpoſition, why then certainly you can have no doubt in your minds and you will find him guilty.

Gentlemen, in this caſe I would have you go rather farther than what you uſually take upon you, to be judges of the fact; but I would have you in ſome degree be judges of the law alſo: you will take into your conſideration, not merely, whether he ſaid the words, but you will conſider alſo the intent with which he uttered them.

Gentlemen, it has been ſaid by the learned counſel for the defendant, that a reform is neceſſary, and that he thinks ſo; he has a right ſo to think; but the queſtion is, what method is to be taken to obtain it: a man wiſhing to bring about a reform has no right to enforce it by violence, by force of arms, that is no leſs an offence than high treaſon.

Gentlemen, in obſerving upon one of the counts in this indictment, where it is ſtated, that the defendant ſaid, a reformation cannot be effected without a revolution, it is aſked, what is a revolution?—a revolution does;

does not mean a ſubverſion of government, it means a revolving of things. It may have that meaning in ſome caſes; but you muſt take the ſubject matter; if it is applied to the government of this country, it is a ſubverſion, a total change in the government of the country, there cannot be two opinions about it.

Gentlemen, I need not trouble you with any further obſervations before I ſtate the evidence that has been given to you upon this occaſion, and you will be to conſider how far the defendant is guilty or not, according to the circumſtances which I ſhall ſhortly lay before you.

(Here Mr. Mainwaring ſummed up the evidence on both ſides to the Jury, and then proceeded as follows)

Now, gentlemen, the evidence on the part of the defendant contradicts that on the part of the proſecution, and it is for you to determine which ſpeaks the truth, and of courſe you will not judge from the number of witneſſes, but from the whole circumſtances of the caſe, you will conſider it; I believe you are thoroughly poſſeſſed of the ſenſe of the obligation you are under to do juſtly.

Gentlemen, I ſhould have told you, that there is no evidence at all of any criminal act done at Hackney, and therefore you muſt acquit him upon the two laſt counts. There is no evidence to prove that any ſuch thing was ſaid at Hackney, and therefore you will find him not guilty of thoſe counts.

The Jury retired, and in about three hours returned a verdict, finding the defendant GUILTY.

Mr. Mainwaring. Do you mean to find him guilty of all the counts in the indictment?

Foreman. Yes, except the two laſt counts. At the ſame time it is the deſire of the Gentlemen of the Jury that I recommend him to mercy.

The

The Court sentenced Mr. Briellat to twelve months imprisonment, one hundred pounds, Fine and security for his good behaviour for three years, himself in 500l. and two sureties for 250l. each.

THE END.

Ex, EHR